



POLICY SECTION: SCHOOLS
SUB-SECTION:
POLICY NAME: ACCESS TO PUPIL INFORMATION
POLICY NO: S.16

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| Date Approved: May 9, 2007 | Date of Next Review: April 2022 | Dates of Amendments: April 26, 2017 |
| Cross References: Education Act, R.S.O. 1990, s.266, Pupil Records Municipal Freedom of Information and Protection of Privacy Act , R.S.O. 1990, C.M56 Child and Family Services Act, R.S.O. 1990, C.11 Ontario Student Record (OSR) Guideline, 2000 Access To Pupils S.15 Apprehension Or Arrest Of Pupils S.18 Police Investigation V.P.05 Suspected Child Abuse Reporting S.17 Access to Students in Schools Premises S.S.04 Police/School Board Protocol Children’s Law Reform Act | | |
| Appendix | | |

Purpose:

All pupil information including the Ontario Student Record is to be maintained for all students in accordance with The Education Act, the Municipal Freedom of Information and Protection of Privacy Act and all applicable regulations and guidelines of the Government of Ontario. This policy supports the pursuit of strengthening public confidence and the assurance of accountability as articulated in the Board’s Multi-Year Strategic Plan.



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Scope and Responsibility:

This policy applies to all individuals who maintain pupil information within the TCDSB. The Director of Education is responsible for the implementation of this policy in alignment with the Multi-Year Strategic Plan.

Alignment with MYSP:

Living Our Catholic values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Policy:

The Toronto Catholic District School Board requires that all staff will strictly observe confidentiality with respect to **diligently-maintained**, pupil-identifying records, including health and other records, maintained by the Board.

Access to pupil records shall be in compliance to **with** existing federal Provincial Acts and the most current Ontario Student Record (**OSR**) Guideline.

Regulations:

1. Maintenance Of Confidentiality

Principals shall regularly review with teaching and other staff the obligation of maintaining confidentiality respecting pupil records **information, including the OSR**, imposed by the Education Act, the Municipal Freedom of Information and Protection of Privacy Act and the Ontario Student Record Guideline. No employee of the Board shall provide information about any student or **their the student's** family to any outside agency, including immigration officials, unless legally obliged to do so.



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2. Providing Pupil Information To Another School, Private School Or Other Educational Institutions

Principals shall adhere to the requirements of the Regulation respecting Pupil Records (Ontario Student Record Guideline) governing the transfer of Pupil Records when a pupil transfers from one school to another.

3. Providing Pupil Information To A Pupil, ~~Or His/Her~~ Parent, Or Guardian

Pupils and their parents or guardians may access pupil information through the school principal. A pupil and his or her parent or guardian, where the pupil is a minor, are entitled to ~~examine~~ **view and/or receive a copy of all and any information, including the OSR** ~~the records~~ **relating to such** pupil. **A pupil between the ages of 16 to 18, who has withdrawn from parental control, may have exclusive access to his or her pupil records as governed by section 65 of the Children’s Law Reform Act.**

Upon reaching 18 years of age, a pupil shall have exclusive access to his or her student records and may elect to grant access to such records to others. The parent or guardian of a pupil who has been identified as legally incapacitated will retain the right to access the records relating to that student after he or she has reached 18 years of age.

A legally-identified custodial or non-custodial parent is entitled to be given information as to the education of that parent’s child unless and until there is either an Order of the Court or a term in a separation agreement denying the person access to the child.



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Unless the pupil, parent or guardian, and the existence of the necessary relationship of the latter two to the pupil are all actually known to the principal, proper identification should, with sensitivity and discretion, be insisted upon.

4. Providing Pupil Information To Others

Every person shall preserve ~~secrecy~~ **confidentiality** in respect of the content of **all pupil information, including the OSR** ~~a record~~ that comes to the person's knowledge in the course of ~~his or her~~ **the person's** duties or employment, and no such person shall communicate any such knowledge to any other person except,

- (a) as may be required in the performance of his or her duties **as set out in the Education Act or other relevant legislation**; or
- (b) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or
- (c) with the written consent of the pupil where the pupil is an adult; or
- (d) through a search warrant requiring the surrender of an Ontario Student Record to the police; or
- (e) through a subpoena or appropriate court order; or
- (f) where a teacher or the principal may have information where it is suspected that the child is in need of protection as defined in the Child and Family Services Act; or
- (g) upon request of the medical officer of health as provided in the Education Act; or
- (h) where the Municipal Freedom of Information and Protection of Privacy Act permits a school board to disclose confidential information to the police to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.



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5. Maintenance of Pupil Records

The Ontario Student Record must be maintained, used, disclosed, and disposed of in accordance with all applicable legislation. School administrators will be advised of relevant changes through appropriate communication. Diligent maintenance of students' Ontario Student Records would entail the mandatory inclusion of any court documents and separation agreements which may impact rights to such records.

Definitions:

Ontario Student Record (OSR)

The Ontario Student Record (OSR) is the record of a student's educational progress through schools in Ontario. The Education Act requires that the principal of a school collect information “for inclusion in a record in respect of each pupil enrolled in the school and to establish, maintain, retain, transfer and dispose of the record”. The act also regulates access to an OSR and states that the OSR is “privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction” of the student. Each student and the parent(s) [and guardian(s)] of a student who is not an adult (that is, a student who is under the age of eighteen) must be made aware of the purpose and content of, and have access to, all of the information contained in the OSR. (Ontario Student Record (OSR) Guideline, 2000)



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Evaluation and Metrics:

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

Qualitative feedback provided by Principals regarding access to information requests at monthly K-12 meetings conducted by Field Superintendents.

APPENDIX A