



ADMINISTRATIVE PROCEDURES

ACCESS TO PUPIL INFORMATION (Policy Statement: Management of Student Information)

Purpose

The Algonquin and Lakeshore Catholic District School Board requires that all staff will strictly follow privacy legislation with respect to pupil-identifying records, including health and other records, maintained by the Board, whether in schools or in the Board Office.

The purpose of this procedure, therefore, is to establish processes for access to pupil information according to the *Education Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.

References

Education Act and Regulations

Municipal Freedom of Information and Protection of Privacy Act and Regulations

Freedom of Information and Protection of Privacy Board Policy A-2017-11-1

Procedures

1. Definitions

1.1 The Privacy Obligation

Pupil-identified information is generated within the school system for the purpose of assisting appropriate Board teaching and support staff, and certain external consultants, in improving the instruction of the pupil. Under the Education Act and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) except for the right of the pupil, and parent or guardian if a pupil is under the age of 18 years, to examine the pupil record, such information is required to be held in confidence.

Principals will regularly remind teaching and other staff of the unequivocal obligation to maintain privacy with respect to pupil records imposed by the Education Act and MFIPPA.

1.2 Persons Seeking Access

Board staff with responsibility for compiling data may have access to pupil information.

Broadly described, persons seeking to have access to pupil-identifying information may be divided into three categories:

- a) another school, private school or other educational institution;
- b) a pupil, or parent or guardian where the pupil is under the age of 18 years; and
- c) third parties including:
 - other relatives
 - police officers (unless serving a search warrant)
 - hospitals, Family and Children's Services (if not the guardian of the pupil) and other social service agencies.

The procedures outlined in 2.0 following must be followed.

2.0 **Procedures:**

2.1 Providing Pupil Information to Another School, Private School or Other Educational Institution:

Principals will be aware of the requirements of the [Ontario Student Record \(OSR\) Guideline](#) governing the Transfer of Pupil Records when a pupil transfers from one school to another.

2.2 Providing Pupil Information to a Pupil, or Parent or Guardian Where the Pupil is a Minor:

This class of person is entitled, as a matter of statutory right, to examine the record in respect of such pupil. The school will follow and adhere to all filed Court Orders and legal custody and access agreements. Note, however, that where a pupil is 18 years of age or older, the parents have no such right of examination without consent. 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 (e.g., driver's license or other government issued ID.)

2.3 Providing Pupil Information to Others:

Consistent with the terms of the Education Act, the principal shall insist, in every case, that the following requirements be complied with:

- that there is written permission, preferably on Form A, although any form of written permission to substantially the same effect may be acceptable as per the discretion of the principal; and
- that the principal should be satisfied that it was, in fact, signed by the pupil, or parent or guardian of the child concerned, as the case may be; and
- that an originally signed copy, not merely a photocopy, of the permission is delivered to the principal; and

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- that the original written permission is inserted in the Ontario Student Record folder; and
- that where the permission is intended to permit the admission of the whole or part of a record into court or other proceedings, Form A must be completed, signed, delivered to the principal, and an original copy inserted in the Ontario Student Record folder.

3.0 Ontario Education Numbers:

Principals should be aware of and review the pertinent section of the Education Act dealing with Ontario Education Numbers. The Ontario Education Number shall be considered personal and confidential information and not divulged to anyone except as provided for in the Education Act or Regulations. This same section of the Act indicates the penalties for both individuals and the Board in terms of the release of the Ontario Education Number to those who are not provided in law with the right to have the number.

4.0 Exceptions to Privacy:

From time to time there may be three general exceptions to the above, particularly as regards other third parties:

4.1 Child Maltreatment:

The first occurs where a teacher or the principal may have information, regardless of whether that information is contained within a Pupil Record, relating to suspected child maltreatment of the pupil concerned. Action to be taken by the principal and teachers with regard to any suspicious circumstances respecting child in need of protection is set out in detail in the specific policy (Child in Need of Protection) of the Board related to this matter. *See Note.*

4.2 Unusual or Emergency Circumstances:

The second occurs where there may exist unusual or emergency circumstances (often health or safety related) involving substantially personal information respecting the pupil. In these circumstances, the principal is encouraged to contact the appropriate Supervisory Officer.

4.3 Unusual or Emergency Circumstances Relating to Educational Information:

The third occurs where there may exist unusual or emergency circumstances relating substantially to educational information respecting pupils. In these circumstances, the principal is encouraged to contact the appropriate Supervisory Officer.

Note: In any case in which there is some question, doubt or difficulty, the principal should seek the guidance of the Privacy Officer and the School Superintendent.

Forms

Form A: Consent for Release of Information

Approved: February 2022