

Information on

**“FREEDOM OF INFORMATION
AND
PROTECTION OF PRIVACY”**

School District No 63 (Saanich)

Saanich Schools



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Introduction

The *Freedom of Information and Protection of Privacy Act* (the Act) has been in effect for provincial government ministries since October 1993 and as of October 1994, the legislation covers local public bodies including school districts.

The objective of the Act is to make public institutions more open and accountable and to protect individual privacy by:

- giving the public a right of access to records;
- giving individuals a right of access to, and a right to request correction of, personal information about themselves;
- specifying limited exceptions to the right of access
- preventing the unauthorized collection, use or disclosure of personal information by public bodies; and
- providing for an independent review of decisions made under the Act.

It is important that both the public and school district employees are aware of the basic principles of the Act and know who to contact for further information.

Access to Information

The new information and privacy legislation is not intended to replace the normal process of providing information. For the most part, it is expected that district staff will continue to respond to the majority of oral and written information requests on an informal and voluntary basis.

However, in those instances where someone requests information that normally would not be provided, the requester now has the right to make a formal access request. The school district must formally respond, **within 30 calendar days of the request**, by either providing the information in whole or in part, or by explaining why the information cannot be released.

Requested information must be in the form of a record. Records are defined as: books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic or mechanical means. In certain circumstances, a fee may be charged for providing copies of records.

There are situations where a record can be withheld, but they are limited to specific provisions of the Act. Most of the provisions for withholding information are discretionary. In other words, even if the school district is permitted to refuse access, there is no obligation to do so. However, in some situations such as a request for **someone else's personal information, refusal to disclose information is mandatory**.

Protection of Privacy

The other important component of the Act is the recognition that an individual's personal information belongs to them and they have a right to privacy. Most personal information held in the school district is about individual students or employees.

Personal information is defined as recorded information about an **identifiable individual** and includes such things as an individual's name, address, phone number, ethnicity, religion, age, marital status, any identifying number or symbol, education, employment, medical or psychiatric history and anyone else's personal opinions about the individual.

To ensure the protection of individual privacy, the *Act* establishes strict standards governing the collection, use, retention and disposal of personal information. For example, public bodies must have legal authority to collect personal information and, except under limited circumstances, personal information must be collected directly from the individual it is about.

Public bodies must only use personal information for the purpose for which it was collected or a consistent purpose. School district employees must ensure they handle records containing personal information with care. An individual's personal information should not be disclosed to anyone else unless the disclosure is permitted under the *School Act* or the *Freedom of Information and Protection of Privacy Act*, or the individual has given their written consent for its disclosure.

In situations where staff are unsure whether the disclosure of personal information is appropriate, they will contact their Principal or Vice-Principal who will contact the Secretary-Treasurer's Office if further clarification is required.

Saanich School District Policy

In compliance with the *Freedom of Information and Protection of Privacy Act*, the Board of Education for School District No. 63 (Saanich) has appointed Dr. Keven Elder, Superintendent of Schools, to be the official head of the district for the purposes of the *Act*.

The Board has also appointed Joan Axford, Secretary-Treasurer, as Information and Privacy Co-ordinator. This position is responsible for the day-to-day administration of the *Act*, including the processing of formal information requests and providing assistance to staff on issues relating to information and privacy

Handling Access Requests

If staff receive a request for information that is routinely available, the information will be provided to the requester.

If staff receive a request for information that is not available through routine channels, the individual will be required to make the request in writing or fill out a "Request for Access to Records" form and forward it to the Secretary-Treasurer's Office.

General questions regarding the collection, use and disclosure of information can be directed to:

Monica Schulte, Secretary-Treasurer
Information and Privacy Co-ordinator
School District No. 63 (Saanich)
2125 Keating Cross Road
Saanichton, B.C. V8M 2A5
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