



**MOOSONEE DISTRICT
SCHOOL AREA BOARD**

ADMINISTRATIVE PROCEDURE GENERAL ADMINISTRATION: #180	
Effective	March 22, 2026
Last Revised	April 5, 2023
Last Reviewed	April 5, 2023

PROTECTION OF PERSONAL INFORMATION

PURPOSE

It is the practice of the Moosonee District School Area Board to collect, use, retain, and disclose personal information in the course of meeting its statutory duties and responsibilities. The Board is committed to the protection of personal information under its control and complies with all applicable provisions in the Education Act, the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, the Personal Information and Protection of Electronic Documents Act, and other applicable legislation.

The Moosonee District School Area Board regards the security and confidentiality of data and information to be of utmost importance. The protection of an individual’s privacy rights and personal information is essential to a safe school and workplace. Inappropriate disclosure of personal information puts individuals at risk.

This administrative procedure has been developed to help maintain a culture of privacy across the district.

DEFINITIONS

Personal Information: Personal information is any recorded information about an identifiable individual. This includes age, date of birth, address, health information, educational information, and employment history. Information about a staff member’s professional identity, such as, but not limited to, name, work location or job title, is not personal. All personal information in the custody and control of the Board is retained according to Board Policy GOV-19 Record Retention.

Ontario School Board/Authorities Privacy Standard: The Privacy Standard was developed by the Privacy Information Management task force for use by Ontario school boards and authorities. It is based on globally-recognized fair information principles and is grounded in Ontario privacy legislation, specifically the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, and the Personal Information and Protection of Electronic Documents Act.

APPLICATION

This administrative procedure applies to all records and information within the custody or under the control of the Board and school, including those records and information relating to the operation and administration of the Board and school and those records and information relating to staff members and students individually.

PROCEDURES

1. Guiding Principles of the Privacy Standard

The Moosonee District School Area Board is committed to following the direction of the Privacy Standard and its ten commitments regarding privacy protection and the management of personal information.

1.1 Accountability and Responsibility

Under the Municipal Freedom of Information and Protection of Privacy Act, all staff members are responsible for personal information under their control. This includes personal health information, according to the terms of the Personal Health Information Protection Act.

1.2 Specified Purposes

The purposes for which personal information is collected must be specified, and individuals will be notified of those purposes at or before the time personal information is collected.

1.3 Consent

An individual's informed consent is required for the collection, use, and disclosure of personal information, except where otherwise permitted by law.

1.4 Limiting Collection

The collection of personal information is fair, lawful, and limited to that which is necessary for the specified purposes.

1.5 Limiting Use, Retention, and Disclosure

The use, retention, and disclosure of personal information are limited to the specified purposes identified to the individual, except where otherwise permitted by law.

1.6 Accuracy

The staff will make every effort to ensure that personal information is accurate, complete, and up-to-date in order to fulfill the specified purposes for its collection, use, disclosure, and retention.

1.7 Security Safeguards

Personal information is secured and protected from unauthorized access, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

1.8 Openness and Transparency

Procedures and practices relating to the management of personal information are made readily available to the public.

1.9 Access and Correction

- a) An individual has the right to access his/her personal information and will be given access to that information in accordance with privacy legislation, subject to any restrictions.
- b) An individual has the right to challenge the accuracy and completeness of the information and request that it be amended, as appropriate, or to have a letter/statement of disagreement retained on file.
- c) Any individual to whom the disclosure has been granted in the year preceding a correction has the right to be notified of the correction/statement.
- d) An individual is to be advised of any third party service provider requests for his/her personal information in accordance with privacy legislation.

1.10 Compliance

An individual may address or challenge compliance with the above principles to the supervisory officer or other designated individual accountable for protection of information in the Moosonee District School Area Board.

2. Board Expectations for all Staff Members

- 2.1 All staff members are expected to comply with privacy legislation and with Board policies and procedures with regard to any personal information that comes to them in the course of their duties.
- 2.2 Subsection 6.11 of Board Policy GOV-16 Conflict of Interest: Trustees and Staff states: Staff members shall not release to unauthorized persons information related to personnel matters, matters under negotiation, litigation, or any other confidential information to which they have access by virtue of their employment.
- 2.3 All staff members are responsible for the records and information they create and maintain to support the operations of the Board and school.
- 2.4 Staff members must ensure ongoing compliance with provincial legislation and Board policies and procedures by signing the Confidentiality Agreement set out in the Appendix to this procedure.
- 2.5 Staff members are responsible for reporting any suspected privacy or security breaches of which they are aware to the immediate supervisor.

3. Expectations for Teachers

- 3.1 The personal information of students may be shared internally among educators who need the information, including access to a record, in the performance of their duties. Use of personal information for this purpose is in accordance with the Municipal Freedom of Information and Protection of Privacy Act and the Education Act.
- 3.2 Use and disclosure of personal student information for a purpose other than planning and delivering educational programs and services that best meet student needs or in accordance with the specific exceptions outlined in legislation will require written consent by the parent or guardian.
- 3.3 Teachers hold a position of trust and have a professional duty to avoid a breach of privacy, as noted in Ontario Regulation 437/97 Professional Misconduct, under the Ontario College of Teachers Act. Subsection 1 (6) of the Regulation states:

The following acts are defined as professional misconduct for the purposes of subsection 30 (2) of the Ontario College of Teachers Act...

Releasing or disclosing information about a student to a person other than the student or, if the student is a minor, the student's parent or guardian. The release or disclosure of information is not an act of professional misconduct if,

- i. the student (or if the student is a minor, the student's parent or guardian) consents to the release or disclosure, or
- ii. if the release or disclosure is required or allowed by law.

4. Expectations for Early Childhood Educators

Early childhood educators also hold a position of trust and have a professional duty to maintain the confidentiality of personal information as noted in Ontario Regulation 223/08 Professional Misconduct, under the Early Childhood Educators Act. Subsection 2 (6) of the Regulation states:

The following conduct is defined as constituting professional misconduct for the purposes of clause 33 (2) (c) of the Early Childhood Educators Act...

Releasing or disclosing information about a child who is under the member's professional supervision to a person other than the child or the child's parent or guardian except,

- i. with the consent of a parent with lawful custody of the child or of the child's guardian, or
- ii. as required or allowed by law...

5. Privacy Breach

5.1 A privacy breach is any event causing personal information to be compromised when it is collected, used, disclosed, retained, or destroyed in a manner inconsistent with legislation.

5.2 The supervisory officer or designate will process formal access to information requests and privacy complaints related to the management of personal information in accordance with the legislated and regulated process requirements.

5.3 The supervisory officer or designate will administer the response to a privacy breach. Disciplinary action according to Administrative Procedure 480 Progressive Discipline: Employees will be taken in cases where a staff member has failed to comply with the legislation, Board policies, and administrative procedures.

5.4 Individuals have the right to lodge a privacy complaint with the Information and Privacy Commissioner of Ontario against the Board, where it is believed the Board has compromised or breached privacy protection rights by inappropriately collecting, using, disclosing or destroying personal information.

REFERENCE DOCUMENTS

Legal:

Education Act, Section 169.1: Board Powers and Duties: Positive School Climate

Education Act, Section 171 (1) 38 Records Management

Education Act, Section 265 (1) (d) Duties of Principal: Pupil Records Education Act, Section 266 Pupil Records

Education Act, Section 285 Responsibility of Supervisory Officer

Ontario Regulation 223/08 Professional Misconduct, Early Childhood Educators Act 2007

Ontario Regulation 437/97 Professional Misconduct, Ontario College of Teachers Act 1996

Ontario Student Record (OSR) Guideline, Section 4, Access to the OSR

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Personal Health Information Protection Act (PHIPA)

Personal Information and Protection of Electronic Documents Act (PIPEDA)

Board:

Board Policy GOV-01 Philosophy, Goals, and Values

Board Policy GOV-03 Role of the Corporate Board: Accountability

Board Policy GOV-04 Role of the Supervisory Officer: Personnel Management

Board Policy GOV-08 Safe Schools

Board Policy GOV-16 Conflict of Interest: Trustees and Staff

Board Policy GOV-19 Record Retention

Administrative Procedure 175 Parent Communications / Complaint Procedures

Administrative Procedure 310 Ontario Student Record (OSR)

Administrative Procedure 480 Progressive Discipline: Employees

Resource:

Privacy Standard. PIM Toolkit. <http://www.pimedu.org/files/toolkit/PIMfoundation1.pdf>

APPENDIX

MOOSONEE DISTRICT SCHOOL AREA BOARD

All employees and all individuals completing work placements within the Moosonee District School Area Board must sign and comply with this Confidentiality Agreement. The purpose of this agreement is to ensure that each employee is aware of his/her responsibility to maintain confidentiality with respect to information acquired through the employee’s work with the Board.

CONFIDENTIALITY AGREEMENT

I understand that confidential documents and information include, but are not limited to, the following: decisions or data not intended for release, employee information, applicant information, student information, or any other personal information, and includes information which may be obtained verbally, in writing, or electronically.

I undertake and agree at all times to treat as confidential all personal student or employee information acquired through my employment with the Moosonee District School Area Board and not to disclose the same except as authorized in the course of my employment or by law. I will not discuss such information with any party, nor will I participate in or permit the release, publication, or disclosure of such information, except as authorized in the course of my employment or by law.

I undertake and acknowledge that I will access information in any and all files and electronic applications and databases only as required in the course of my duties, and will maintain the confidentiality of all such information.

I understand that the confidentiality of student and/or employee information is protected by the provisions of the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, the Personal Information and Protection of Electronic Documents Act, the Education Act, and other regulations and guidelines, including the Ontario Student Record (OSR) Guideline published by the Ministry of Education. Any breach of this confidentiality will result in discipline up to and including termination of my employment and may result in civil or criminal legal penalties.

I acknowledge and agree that the requirement to maintain confidentiality will continue in full force and effect both during and after my employment with the Board. I agree that upon termination or resignation of my employment, I will return to the Board all documents, software, data, and other media that belong to the Board that I may have taken possession of during my employment with the Board.

Employee’s Name (Please print.)

Date

Employee’s Signature

Signature of Witness

A signed copy shall be maintained in the employee’s personnel file.