



Title: PRIVACY PROTECTION AND ACCESS TO INFORMATION

Adopted: February 2024

Authority: Personal Information and Protection of Electronic Documents Act (PIPEDA)
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
Education Act

Related: Policy GOV 005:Trustee Code of Conduct
Policy OPR 001: Records Management
Policy OPR 003: Social Media Posts
Policy SHSM 004: Social Media Guidelines and On-Line Content
Policy SHSM 007: Appropriate Use of Information Technologies

POLICY

It is the policy of the Bloorview School Authority to comply with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Personal Health Information Protection Act (PHIPA), and the Education Act regarding the collection, use, access and disclosure of personal information and Authority records.

BACKGROUND

1. The Authority recognizes the public's right of access to records and information in accordance with MFIPPA.

DEFINITIONS

1. **Confidentiality** is a duty imposed on an organization or individual by laws or professional and ethical standards to restrict access to or disclosure of certain information, which may include personal and/or business information.
2. **Employee:** An employee is anyone employed by the Authority as a full-time, part-time, temporary, probationary, casual, or contract staff.
3. **Personal Health Information:** under PHIPA, is defined in the context of a school Authority as identifying information about an individual in oral or recorded form if the information:
 - Relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family

- Relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual
 - Is the individual's health number; or identifies an individual's substitute decision-maker.
4. **Personal Information:** for the purpose of this policy, personal information is defined as factual or subjective information, recorded or not, about an identifiable individual, including:
- Information relating to their race, national or ethnic origin, citizenship, colour, religion, age, disability, sex, gender identity, sexual orientation or marital or family status of the individual
 - Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved
 - Any identifying number or symbol assigned to the individual
 - The address, telephone number, fingerprints, or blood type of the individual
 - The personal opinions or views of the individual
 - Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature and replies to that correspondence that would reveal the contents of the original correspondence.
 - The views or opinions of another individual about the individual; and
 - The individual's name if it appears with other personal information relating to the individual, or where the disclosure of the name would reveal other personal information about the individual (e.g., a student photo and a student name would be considered personal information).

NOTE: Personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

5. **Privacy** is the right or interest of an individual to control the collection, use, and disclosure of their personal information. Privacy is a legislated right and school boards are required to comply with provincial privacy laws.
6. **Record** includes all information held by a board, regardless of how it is recorded as defined under the MFIPPA. This includes: any record of information under the control of the Board however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:
- Correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and

- Subject to the regulations, any record that is capable of being produced from a machine-readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution (“document”)

GUIDING PRINCIPLES

1. This policy is aligned with the application of privacy principles established by the National Standard of Canada: Model Code for the Protection of Personal Information - CAN/CSA-Q830-96.
2. The Bloorview School Authority recognizes the importance of open access to general information held by the Authority. The Authority also recognizes its responsibility to protect the privacy of individuals about whom it collects and maintains information
3. This policy applies to all personal information received, created, and maintained on behalf of the Authority regardless of format or media and includes but is not limited to all business applications and information technology systems used to create, store and manage records and information such as email, database applications and websites.

GUIDELINES

1. This policy applies to all Bloorview School Authority employees, volunteers, trustees and third parties, who collect, use, retain and disclose personal information related to students and Authority employees on behalf of the Authority.
2. It is the responsibility of all employees, trustees and third-party contractors or agents of the Authority and volunteers to comply with this policy.

PROCEDURES

1. The Authority only collects personal information when it is necessary for providing for the education of students and/or the employment of employees or as required and authorized by law. The management of personal information collected by Bloorview School Authority for these purposes is in accordance with the provisions of the Education Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and the Personal Health Information Protection Act (PHIPA).
2. The Authority will provide access to information in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). MFIPPA prohibits any person from altering, concealing or destroying a record, or causing any other person to do so, with the intention of denying a right under MFIPPA to access the record or the information in the record.
3. The Authority is responsible for personal information under its control.
4. The purposes for which personal information is collected must be identified at or before the time the information is collected.
5. The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

6. The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
7. Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law.
8. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.
9. Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.
10. Personal information must be protected by security safeguards appropriate to the sensitivity of the information.
11. The Authority shall make readily available to an individual specific information about its policies and practices relating to the management of personal information.
12. Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and must be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and may have it amended as appropriate.
13. An individual shall be able to address a challenge concerning compliance with the above principles to the Supervisory Officer.

Privacy Breach

1. A privacy breach occurs when personal information is collected, retained, used, or disclosed in ways that are not in accordance with the provisions of MFIPPA or PHIPA. Among the most common breaches of personal privacy is the unauthorized disclosure of personal information. This includes personal information that is lost or misplaced, stolen, or inadvertently disclosed through human error.
2. Employees must report suspected incidents that threaten the confidentiality, integrity or availability of the Authority's data systems or data to the Principal.
3. If a critical incident is verified, the Principal will convene a meeting of the Principal, Supervisory Officer, tech lead teacher and others as appropriate.
4. Where there has been a breach of personally identifiable information, the Supervisory Officer will coordinate the process of compliance with notification requirements.
5. Communication with the media, Trustees and any others deemed appropriate (e.g. hospital staff) must be coordinated by the Supervisory Officer.
6. It is the responsibility of all staff, trustees, and third-party agencies/contractors of the Authority to follow these procedures in the event of a privacy breach.