



ADMINISTRATIVE PROCEDURES MEMORANDUM

APC015

Access to Pupil Information

DATE OF ISSUE: July 27, 1999
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MEMO TO: All Staff

FROM: Director of Education

PURPOSE

The Waterloo Catholic District School Board requires that all staff (supervisory officers, principals, teachers, secretaries, custodians, and all others) will strictly observe secrecy with respect to pupil-identifying records, including health and other records, maintained by the Board, whether in schools or in the Catholic Education Centre, but subject to the rights of examination held by the parents or guardians or the pupil.

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

REFERENCES

The Education Act and Regulations
The Freedom of Information/Protection of Privacy Act and Regulations

COMMENTS AND GUIDELINES

DEFINITIONS

1. The Secrecy 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 (FOI Act)* except for the right of the pupil, and parent or guardian if a pupil under the age of 18 years, to examine the pupil record, such information is required to be held in confidence.

Principals may well find it regularly necessary to remind teaching and other staff of the unequivocal obligation of maintaining secrecy respecting pupil records imposed by *The Education Act* and *The FOI Act*.

2. Persons Seeking Access

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 a under the age of 18 years; and
- c) third parties including
 - i) other relatives
 - ii) trustees of the Board
 - iii) staff (other than supervisory officers) of the Board
 - iv) police officers (unless serving a search warrant)
 - v) hospitals, Family and Children's Services (if not the guardian of the pupil) and other social service agencies.

PROCEDURES

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

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. 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. Although it is apparent that a separated or divorced parent remains a parent and therefore is entitled to access, the parent with whom the child is living will be notified that pupil information is being shared. Note, however, that where a pupil is 18 years of age or older, the parents have no such right of examination. 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 verification of information given by that person against information obtained in school records).

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:

- a) that there is written permission, preferably on the Board's appropriate form*, although any form of written permission to substantially the same effect would be acceptable; and

"Consent for Release of Information form" (attached) or appropriate form as contained in the Student Services Handbook.

- b) 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
- c) that an originally signed copy, not merely a photocopy, of the permission is delivered to the principal; and

- d) that the original written permission is inserted in the Ontario student record folder; and
- e) that where the permission is intended to permit the admission of the whole or part of a record into court or other proceedings, the Board's special form* must be completed, signed, delivered to the principal, and an original copy inserted in the Ontario student record folder.

"Consent for Release of Information form" (attached)

4. 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 remain secret and not divulged to anyone except as provided by 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

5. Exceptions To Secrecy

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

- a) 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 abuse of the pupil concerned. Action to be taken by the principal and teachers with regard to any suspicious circumstances respecting child abuse is set out in detail in the specific policy of the Board related to this matter. See *Notes 2 and 3*
- b) 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 School Social Worker.
- c) 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 1: In any case in which there is some question, doubt, or difficulty, the principal should seek the guidance of The Freedom Of Information Officer. If required the Freedom of Information Officer will also consult the appropriate Supervisory Officer or School Social Worker.

Note 2: Some of the administrative procedures referred to in this memorandum specifically address the topics of visitors, access to pupils and pupil information, child abuse, and apprehension or arrest of pupils. For details, staff may wish to consult any or all of the following procedures:

*Visitors To Schools
Access To Pupil Information*

*Access To Pupils
Suspected Child Abuse Reporting
Apprehension Or Arrest Of Pupils*

Note 3: The booklet, Child Abuse Support Document, contains specific details and instruction regarding the reporting of suspected child abuse. Copies have been sent to schools for distribution to each teacher. Additional copies can be obtained from the office of the Supervisory Officer, Student Services.



CONSENT FOR RELEASE OF INFORMATION FORM

(In accordance with the Education Act and Ontario Regulations, and the
Municipal Freedom of Information and Protection of Privacy Act, Part II)

I hereby authorize _____ to release the
following

(Name of School / Board Office)

information: _____

for the purpose of: _____

regarding the following student:

NAME OF STUDENT: _____

_____ Surname Given Name

DATE OF BIRTH: _____

Y / M / D

SEND INFORMATION TO: _____

ADDRESS: _____

POSTAL CODE: _____ TELEPHONE: _____

Signature of Parent / Guardian

Date

Signature of Witness

Date