



## Freedom of Information and Protection of Privacy

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**Reviewed/Revised:** June 2015, November 2018, November 2022  
**Memo To:** All Staff, Parents/Guardians, and Stakeholders  
**From:** Director of Education

### ACCESSIBILITY:

To request this file in large print, please email [aoda@wcdsb.ca](mailto:aoda@wcdsb.ca) or call (519) 578-3660.

### PURPOSE:

The Waterloo Catholic District School Board (WCDSB) is committed to the protection of personal information under its control and custody, and to the right of access and privacy with respect to personal information that is collected, used, disclosed, and retained in the board.

The WCDSB adheres to all applicable provisions in the Education Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Personal Health Information Protection Act, and any other applicable legislation as it relates to privacy.

### REFERENCES:

- Education Act and Regulations
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- Personal Health Information Protection Act (PHIPA)
- IV 002 Treatment of Public
- IV 003 Board Policy Treatment of Students
- Ontario Student Record Guideline
- General Data Protection Regulation – European Union (GDPR)

### FORMS:

- [Access or Correction Request](#)
- APC036-01F: [Municipal Freedom of Information & Protection of Privacy Act \(MFIPPA\), Internal Tracking – Search Response](#)

### REPORTS:

- N/A

### APPENDICES:

- N/A



## COMMENTS AND GUIDELINES:

Under the MFIPPA, an individual has the right of access to their personal information and shall be given access to that information in accordance with privacy legislation, subject to any restrictions. 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.

The Board must respond no later than 30 days after receiving a written request on the [Access or Correction Request](#) (form posted on the Service Ontario website) for access although an individual may also be granted access to a record based on a verbal request without a formal, written access request being completed.

The WCDSB is not a Health Information Custodian but falls under the Municipal Freedom of Information and Protection of Privacy Act. All formal requests for access to personal health information will be forwarded to the Board's Freedom of Information Co-ordinator who will record the request and forward it to the appropriate health information custodian.

The Director of Education/Secretary of the Board or designate has been delegated the powers/duties granted to the Head in compliance with the MFIPPA and is responsible for compliance with privacy legislation.

All Ontario school board employees are responsible for the protection of personal, confidential, and sensitive information entrusted to them. Employees who violate privacy rights of a student(s) or another staff member or act in contravention of the Act, may be subject to progressive discipline and could be liable to a fine under the Act.

The WCDSB only collects personal information when it is necessary for providing for the education of students, and/or the employment of school board employees or as required and authorized by law.

The WCDSB supports the following ten commitments which are based on globally recognized fair information principles and grounded in Ontario privacy legislation:

### **Accountability**

Under the Municipal Freedom of Information and Protection of Privacy Act, the WCDSB is responsible for personal information under its custody and control and may designate an individual within the WCDSB who is accountable for compliance with privacy legislation.

### **Specified Purpose**

The WCDSB shall identify the purposes for which personal information is collected, in conjunction with the legal authority for the collection, and the title, business address, and telephone number of an individual who can answer questions about the collection. Individuals shall be notified at or before the time personal information is collected, except where otherwise permitted by law. Disclaimers must be added to all forms and websites that collect personal information.

### **Consent**

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

### **Limiting Collection**

The collection of personal information is fair, lawful, and limited to that which is necessary for the specified purpose. Personal information shall be collected only when it is necessary for providing for the education of students, the employment of staff, or as required and authorized by law.

## **Limiting Use, Retention, and Disclosure**

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

## **Accuracy**

The WCDSB ensures to the best of its ability that personal information and confidential records are accurate, complete, and up-to-date in order to fulfill the specified purpose for its collection, use, disclosure, and retention.

## **Safeguards**

The WCDSB shall ensure that personal information is secured and protected from unauthorized access, use, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

## **Openness and Transparency**

The WCDSB shall ensure that policies and practices related to the management of personal information are readily made available to the public.

## **Access and Correction**

An individual has the right of access to their personal information and shall be given access to that information in accordance with privacy legislation, subject to any restrictions.

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.

An individual to whom the disclosure has been granted in the year preceding a correction has the right to be notified of the correction/statement.

An individual is advised of any third-party service provider requests for their personal information in accordance with privacy legislation.

Individuals requesting changes to their files, e.g., employee name changes, will be required to follow the process identified by Human Resources. Human Resources will work with the IT department to ensure that changes take effect throughout the Board's systems. Changes to foundational data e.g., date of birth, name, gender, may require supporting documentation issued by a government entity.

## **Compliance**

An individual shall have the ability to address or challenge compliance with the above principles to the Director of Education and the Office of the Information Privacy Commissioner.

## **General Data Protection Regulation (GDPR)**

WCDSB acknowledges that requirements for the protection and management of personal information for citizens of the European Union (EU) apply to the Board's collection, use, retention, disclosure, and disposal of personal information.

WCDSB manages the privacy rights of EU citizens in a way that is consistent with the principles of this policy and the requirements for managing and safeguarding personal information in Ontario, e.g., as required by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

The Board operates with recruiting agencies in the EU, who are themselves also subject to EU regulations.

In the event of a privacy breach, the Director of Education or delegate as appropriate will ensure notification is provided to EU data protection officers within 72 hours. WCDSB will work with recruiting agencies to ensure an ability to provide adequate notice in these circumstances.

The GDPR provides a right to be forgotten to its citizens. WCDSB will administer this right consistent with the requirement to provide access to and correction of an individual's own personal information as would be the case under an MFIPPA request. Personal information that is being used to process business activities (e.g., report on enrolment or enable a service mediated through Information Technology tools or platforms) may affect the ability to completely 'erase' an individual's data. WCDSB will make all reasonable efforts to support an EU citizen's request to be forgotten.