

## ADMINISTRATIVE PROCEDURE NO. 110

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

#### Background

The *Freedom of Information and Privacy Act*, which was passed by the province of Alberta on October 1, 1995, was extended to apply to school boards and charter schools on September 1, 1998. The legislation aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Alberta.

The Division will manage information in a manner that supports the Board's commitment to providing the public with access, with only a limited number of specific exceptions, while protecting the personal privacy of the individual in accordance with provincial legislation.

#### Procedures

1. The Superintendent has been designated by the Board as Head of Red Deer Catholic Regional Division in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act* and is responsible for ensuring that the Division complies with the provisions of the Act.
2. The Secretary-Treasurer has been designated by the Board as Coordinator in accordance with the provisions of the *Freedom of Information and Privacy Act* and is responsible for the overall management of the Act.
3. The principal of each school shall be the site coordinator for the purposes of the Act. Site coordinators are responsible to ensure the protection of personal information at their schools and to direct inquiries about disclosure of information to the FOIP Coordinator.
4. The principal shall:
  - 4.1 Ensure that the management of information in their custody and under their control and custody meets the requirements of the legislation in regard to both access to information and protection of privacy.
  - 4.2 Identify and provide access to information that can be released without a FOIP request.
  - 4.3 Provide assistance in dealing with FOIP requests and provide feedback to the FOIP Coordinator on issues or concerns with implementing the divisional procedures of the Act.

- 4.4 Ensure staff know and understand the importance of FOIP and how to follow FOIP legislation while responsibly performing their job.
- 4.5 Ensure that all information collected, notes, e-mails and other documentation shall be stored in compliance with legislation.
- 4.6 Ensure that records containing sensitive or confidential information must not be kept on desks or in places where unauthorized persons or members of the public may see or have access to them.
5. Sensitive or confidential information must be stored in a secure location with restricted access, such as secure electronic storage, a locked room.
  - 5.1 The storing of student or Division information at home is prohibited.
6. Any information that is no longer required for either administrative, educational, financial, legal or historical purposes and the retaining of which is not regulated by any provincial or federal law should be destroyed according to records management procedures and practices.
7. The Division shall prepare and make available to the public an information directory and a corporate records file manual, which would provide a general listing of the records in its custody or under its control.
8. No personal information will be collected unless its collection is specifically authorized by provincial legislation or is necessary for an operating program or activity of the Division.
9. The Division may use or disclose personal information only for the purpose for which it was collected or compiled, or for a use consistent with that purpose, or if the individual the information is about has identified the information and consented to its use, or for the purposes referred to in sections 38, 40 or 41 of the *Freedom of Information and Protection of Privacy Act*.
10. The Division has a duty to maintain accurate and complete personal information when that information is used to make decision about the individual. The Act permits an individual to correct an error or omission that has been made on their personal information.
11. All publications, following their release, will be made available in the Division office for review by members of the public, or through free initial distribution, or on the Division's home page on the Internet.
12. Databases and data files are considered to be records and will be treated as such.

- 12.1 Data stored on portable technology shall be managed according to Administrative Procedure No. 115.
13. Persons requesting information shall first contact either the schools or Division office, whichever is responsible for creating or maintaining the information in question. The records management system may be reviewed to assist in locating readily available accessible information, documents or contact persons.
  - 13.1 All persons making requests for the release of information shall be notified as to appeal provisions under this Act.
14. If the requested information is not readily available, then the person may attempt to access the information through the *Freedom of Information and Privacy Act* through application to the Superintendent, who oversees the Act.
15. Request forms for application to the Superintendent are available from all schools and the Division office.
16. An initial fee of \$25.00 will be charged and shall accompany each formal request made to the Division. Any additional fees shall be levied in accordance with Schedule 2 of the Act. Fees may be waived if the applicant is unable to pay or if the record deals with a matter of public interest such as the environment, public health or safety.
17. No initial fee will be charged to an individual for access to their personal information, but the cost of producing copies may be charged.