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**Board Governance Policy Cross Reference:** [1, 4, 12](#)

**Administrative Procedures Cross Reference:**

[Pupil Files](#)

[Volunteers in Schools](#)

**Form Cross Reference:**

[Pledge of Confidentiality](#)

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**Legal/Regulatory Reference:**

[The Education Administration Act](#)

[The Child and Family Services Act](#) (19.3 3(1), 3(2), 3 (3))

[The Criminal Records Act](#)

[The Freedom of Information and Protection of Privacy Act \(FIPPA\)](#) (36 (1) (a) (b) (c) 37(1), 38(2), 38, 39, 40, 41, 42, 43, 44, 46 and 48)

[The Labour Relations Act](#)

[The Personal Health Information Act \(PHIA\)](#)

[The Public Schools Act](#)

[The Youth Criminal Justice Act – Federal Government](#)

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The Interlake School Division (ISD) commits to the highest standards of privacy protection and confidentiality. In the course of employment, employees will have access to and will be entrusted with confidential information. Disclosure of personal and private information to any third party or to the general public is prohibited and considered a breach of employment.

All employees and volunteers must receive an orientation and sign a [Pledge of Confidentiality Form](#) in respect to information governed by the [Personal Health Information Act \(PHIA\)](#) upon commencement of employment or volunteer service.

## **A. Procedures – Employees and Volunteers**

All employees and volunteers are responsible for respecting the nature of confidential information and are expected to comply with the following:

1. Not discuss or share confidential information, including personal health information with any unauthorized personnel or make copies of such information except where it has been authorized and take measures to protect the release and unauthorized use of confidential information.
2. Personal health information includes recorded information about an identifiable individual that relates to:
  - a) the individual's health, or health care history, including genetic information about the individual;
  - b) the provision of health care to the individual;
  - c) payment for health care provided to the individual;
  - d) the Personal Health Identification Number (PHIN) and any other identifying number or symbol assigned to an individual;
  - e) any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care; and
  - f) any information contained in the pupil support file (e.g., psychologist, speech-language pathologist, social worker and counselor reports, etc.), as well as information required for health care plans.
3. Ensure that while confidential information is in their care, it is controlled and supervised at all times until it has been returned to its designated secure storage site.
4. All information must comply with the following legislation:
  - The Child and Family Services Act
  - The Criminal Records Act
  - The Freedom of Information and Protection of Privacy Act (FIPPA)
  - The Education Administration Act
  - The Labour Relations Act
  - The Personal Health Information Act (PHIA)
  - The Public Schools Act
  - The Youth Criminal Justice Act
5. Names and/or contact information of students, teachers and administrators may be provided to relevant division personnel, the Public Health Department or Manitoba Education.
6. Employee contact information may be provided, upon request, to their respective union group or association.
7. An employee who breaches confidentiality is subject to disciplinary action up to and including termination of employment.

## **B. Freedom of Information, Collection, Access, Disclosure, Retention**

1. All individuals shall be informed of the collection of personal information as authorized by Interlake School Division and The Freedom of Information and Protection of Privacy Act (FIPPA).
2. Personal information collected shall be retained, stored and managed to ensure:
  - a. security;
  - b. confidentiality; and
  - c. authorized access and disclosure in accordance with FIPPA; Section 42(2).
3. All information collected shall be managed by the Interlake School Division Access and Privacy Officer.
4. The Division Access and Privacy Coordinator is responsible for:
  - a. receiving applications; and
  - b. day-to-day administration of the records and information.
5. Records collected and stored by the Division may include information that is:
  - a. written;
  - b. photographed; and/or
  - c. recorded and stored by graphic, electronic and mechanical means.
6. Records shall not include electronic software or any information that has been produced by a mechanism that provides records or documents.
7. Application for Access:
  - a. An individual may request access to information by submitting a request to the Access and Privacy Coordinator.
  - b. Requests for access shall be submitted in accordance with [F.I.P.P.A.](#) Schedule A – Form I – Subsection 3(1).
  - c. In special circumstances requests for access may be made in the form of an oral request.
8. Interlake School Division may assess a fee for:
  - a. processing a request for access;
  - b. duplication or reproduction of records; and
  - c. the Division may waive any fees related to processing an applicant's request.
9. The Division Access and Privacy Officer shall receive authorization from the individual in order to approve:
  - a. third party access to records;
  - b. disclosure of information; and /or
  - c. reproduction of records information.

10. Access to personal information retained in the Interlake School Division records file shall be limited to:
  - a. Access and Privacy Officer
  - b. Access and Privacy Coordinator
  - c. Superintendent/CEO and/or his/her agent – i.e. Assistant Superintendent, Principals, Student Services Administrator.
11. The Access and Privacy Officer shall respond to an applicant's request for access within 45 days after receipt of notice or apply for an extension due to necessary modification.
12. An applicant who has been given access and believes there is an error may request the Access and Privacy Officer to make a correction Section 39 (1), 39(2) of the [Freedom of Information and the Protection of Privacy Act](#).
13. Applications requesting information relating to a third party shall be managed in accordance with Sections 33 and 34 of the Freedom of Information and Protection of Privacy Act.
14. Applicants may file complaints with the Provincial Ombudsman:
  - a. regarding denial to access to information;
  - b. regarding correction of information; and /or
  - c. regarding accuracy of information.
15. The Access and Privacy Officer shall determine whether it is appropriate to authorize disclosure according to Sections 42, 44 and 48 of the Freedom of Information and the Protection of Privacy Act.