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## PURPOSE

*These guidelines are to encourage Ontario school boards/authorities to include key elements in either a privacy protection policy and/or procedure when these are first being created or when being revised.*

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**Note:** This document is a guideline only and is not intended in any way to be a legal opinion or to provide legal counsel.

The following are a list of guidelines that should be considered by Ontario school boards/authorities when drafting privacy policies:

1. A privacy policy should have as its objectives the protection of personal information under the control of the school board/authority and the right of privacy with respect to personal information that is collected, used, disclosed, and retained in the school system.
2. A comprehensive policy would include a clear definition of “Personal Information,” “Consent,” “Notice,” “Retention,” “Disclosure,” “Access,” “Security,” “Collection,” “Accuracy,” and any other definitions that may provide clarity to wording in the policy.
3. The policy should be accessible in both language and scope. It is important to be clear and concise so that information can be communicated and understood by interested parties both internal and external to the organization.
4. A privacy policy should be consistent with policies within the organization.
5. The policy should be accompanied by a procedure that can be implemented and monitored.
6. A policy should contain sufficient detail so as to provide an outline of a school board’s/authority’s expectations for maintaining privacy to enable the public regulatory bodies, such as privacy commissioners or other organizations, to understand its compliance with legal standards.
7. A policy should contain a reference to school board/authority administrative procedures and/or other related policies.
8. The guiding principles of the policy can be drawn from the Ontario School Board/Authorities Privacy Standard:
  - i. The school board/authority is responsible for personal information under its custody or control and shall designate an individual(s) in writing who is/are accountable for the school board’s/authority’s compliance with privacy legislation.
  - ii. The purposes for which personal information is collected shall be specified, 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, and individuals shall be notified at or before the time personal information is collected except where otherwise permitted by law.
  - iii. An individual’s informed consent is required for the collection, use, or disclosure of personal information, except where otherwise permitted by law.
  - iv. The collection of personal information is fair, lawful, and limited to that which is necessary for the specified purpose.
  - v. The use, retention, and disclosure of personal information are limited to the specified purpose identified to the individual, except where otherwise permitted by law.



- vi. School boards/authorities ensure that personal information is accurate, complete, and up-to-date in order to fulfill the specified purpose for its collection, use, disclosure, and retention.
  - vii. Personal information is secured and protected from unauthorized access, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.
  - viii. Policies and practices relating to the management of personal information are made readily available to the public.
  - ix. An individual has the right of access to his/her 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 his/her personal information in accordance with privacy legislation.
  - x. An individual may address or challenge compliance with the principles.
9. The school board/authority may also wish to include in the policy specific directives for:
- i. The designation of the “Head” and for the delegation of responsibilities for accountability under the legislation.
  - ii. The development of administrative procedures that will provide for the protection of personal information under the control of the school board/authority.
  - iii. The development of administrative procedures that would facilitate the right of access to personal information and the right to challenge the accuracy and completeness of the information.
10. The school board/authority may also wish to reference within policy, relevant legislation, standards, and guidelines, including:
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
  - Education Act
  - Personal Health Information Protection Act (PHIPA)
  - Personal Information and Protection of Electronic Documents Act (PIPEDA)
  - The Ontario Student Record Guideline
  - The Ontario School Boards and Authorities Privacy Standard