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TO: Directors of Education
Supervisory Officers of School Authorities

FROM: Kevin Costante
Deputy Minister of Education

DATE: March 11, 2011

RE: Notification of the Collection and Use of Student
Personal Information

Since the conclusion of the 2008-09 Provincial Discussion Table (PDT) agreements, the four school board trustee associations and their respective teacher and support staff unions have continued to address ongoing, system-wide issues through the Tripartite Teacher Advisory Committee (TTAC) and the Support Worker Advisory Committee (SWAG).

In accordance with its mandate, the TTAC recently considered the disclosure of students' personal information by boards to school staff who need it to perform their duties or if required to comply with provincial statutes such as the recent Bill 168 amendments to the *Occupational Health and Safety Act*. Bill 168 clarified the duties of an employer to disclose personal information to a worker who is at risk of violence in the workplace.

As part of its discussion the TTAC considered how the "notice of collection" that boards are required to provide to individuals whose personal information is collected could be used to give notice to students and parents that boards are sometimes required to disclose their personal information.

The notice of collection is a requirement under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). When collecting personal information the school board must provide notice of the collection and include in that notice: 1) the legal authority for the collection; 2) the principal purpose or purposes for which the information is intended to be used; and 3) the title,

business address and business telephone number of an officer or employee who can answer questions about the collection.

In February 2001, the Information and Privacy Commissioner of Ontario (IPC) published a document, *F.A.Q. – Access and privacy in the School System*, which provides an example of a collection notice that could be used on a school registration form. The TTAC considered how this sample notice could be amended to highlight that personal information may be provided to an employee who needs the information in the performance of his or her duties and to be current with the recent Bill 168 amendments to the *Occupational Health and Safety Act*. The following is an example of how the notice originally provided by the IPC could be amended to address these issues:

Sample Notice of Collection

*The personal information you have provided **on this form and any other correspondence relating to your involvement in our programs** is collected by the District School Board under the authority of the Education Act (R.S.O. 1990 c.E.2) ss. 58.5, 265 and 266 as amended. The information will be used to register and place the student in a school, or for a consistent purpose such as the allocation of staff and resources **and to give information to employees to carry out their job duties. In addition, the information may be used to deal with matters of health and safety or discipline and is required to be disclosed in compelling circumstances or for law enforcement matters or in accordance with any other Act.** The information will be used in accordance with the Education Act, the regulations, and guidelines issued by the Minister of Education governing the establishment, maintenance, use, retention, transfer and disposal of pupil records. For questions about this collection, speak to **[insert title of Board employee, address and phone number]**.*

This sample notice of collection is being provided as an example only of a notice of collection which your board may consider using on its student registration forms.

Boards provide notice of the use of students' personal information by other means, for example on their public website or in student planners which allow for a more detailed explanation using plain language. In all cases, however, boards must provide the parents or guardians of students with a plain language explanation of the intent of the notice. You can find an example of a detailed, but plain language notice of collection on the Simcoe County District School Board website: <http://scdsb.on.ca/media/files/parent-corner/FINAL2009-2010%20school%20agenda%20insert.pdf> (at page 7).

Please also note the template below which your board may consider for immediate use on its website and on student planners, which many boards will soon be printing for distribution at the beginning of the 2011-12 school year.

Over the course of the school year as part of its mandate to educate its students, the District School Board under the authority of the Education Act, (R.S.O. 1990 c.E.2) ss. 58.5, 265 and 266 as amended, will collect personal information about each student. The information collected may be written, oral or visual. This personal information will be used to register and place the student in a school or for a consistent purpose such as the allocation of staff and resources and to give information to employees to carry out their job duties. In addition, the information may be used to deal with matters of health and safety or discipline and that may be required to be disclosed in compelling circumstances or for law enforcement matters or in accordance with any other Act. The information will be used in accordance with the Education Act, the regulations, and guidelines issued by the Minister of Education governing the establishment, maintenance, use, retention, transfer and disposal of pupil records. For questions about this collection, speak to [insert title of Board employee, address and phone number].

Once again, these sample notices are provided for you as an example only of a notice your board may wish to employ. Any questions about the sufficiency of any notice used by your board should be directed to your board's Freedom of Information and Privacy Coordinator.

Kevin Costante

Cc: TTAC and SWAG members
Kathy Verduyn, Acting Director, Field Services Branch