

Are my notes and journals records and can they be accessed?

Notes are intended to be a memory aid for principals or vice-principals. If they are created as part of the principal's or vice principal's employment, for example, they are related to incidents that have taken place at school, the notes may be considered work product, and therefore, under the care or control of the Board, in which case they are subject to the *Municipal Freedom of Information and Protection of Privacy Act*, which provides individuals with rights to access their personal information as well as generic information about institutions such as the Board.

It would be likely that notes kept by the Principal about a student attending that Principal's school would be accessible (at least in part) by the parent.

Such notes might also be subject to a warrant from the police, an Order by the Court to release them or they might be required to be brought when a Principal is attending Court in response to a summons.

Personal notes and journals that include personal information about students, their parents, staff or community members must be retained for at least 1 year from the date the information was last used, unless the Board has an alternative policy. However, the length of time that they are retained following that first year is dependent upon the type of document, what it discloses and the Board's retention policy with respect to that document, if any.

If staff retire, they may choose to provide their notes to their successor or their Superintendent, or to retain them in such a way that they can be accessed in the future, if necessary.

How notes are recorded is dependent upon the circumstances; however, in all circumstances they should be as factual as possible, use only appropriate language and not be disparaging. Ask whether or not you would be embarrassed if your Superintendent or the person about whom you were making the note were to read the note, if so, it might not have been written appropriately. Efforts should be made to identify the date the note is taken, the matter about which it is being recorded, and from where or whom information is coming (i.e. other individuals or personal observation).

Must I comply with a parent request to provide a copy of my notes regarding a teacher's handling of a discipline situation and my subsequent report to my superintendent?

Ordinarily the conduct of other children or the conduct of a teacher would be classified as personal information. Yet, the parent could make a request under MFIPPA however S. 52(3) of MFIPPA, states that the Act does not apply to records collected, prepared, maintained or used by or on behalf of a board in relation to: meetings, consultations, discussions or communications about labour relations or employment-related matters in which the institution has an interest." If the complaint is about a teacher's conduct then the board may state that it is employee-related.

Principal's Best Practice: If you use templates for note-taking, consider adding a box or heading at the top of the page indicating that the record is confidential. Check or initial it so you have confirmed in your own mind, the document's importance.