

Legal Framework Simcoe County Administrative Procedures, Memorandum A1450

Personal information is legislated by a provincial and federal legal framework of laws, regulations and standards. As principal you should be knowledgeable about the following:

Education Act – sets out the authority of a school board to collect and use personal information of students for the provision of relevant educational services i.e. s. 265 (1)(d). As well, S. 266 provides for the establishment of the student’s OSR and the preservation of its confidentiality. The OSR guideline sets our rules for access and use of the OSR and has the same force as the regulation under the Education Act.

Municipal Freedom of Information and Protection of Privacy Act (MFFIPA) – is a provincial law that requires the protection of personal information and provides individuals with a right of access to government records. Included in the Act are specific provisions for how your personal information may be collected, used, retained, disclosed and disposed. The Act is based on the following principles:

- any exemptions from the right of access to information should be limited and specific
- any decisions relating to access to information can be reviewed by the independent Information and Privacy Commissioner/Ontario
- any person may make a request for information held by a government institution covered by the Act

Personal Health Information Protection of Privacy Act (PHIPPA) – a provincial law that governs the collection, use and disclosure of personal health information by Health Information Custodians (HIC) working in a school board, for example psychologists, speech and language pathologists, nurses, occupational therapist, etc. The object is to keep personal health information confidential and secure, while allowing for the effective delivery of health care services. Under PHIPA, health information custodians are responsible for personal health information in their custody and control and may designate an individual within their school board/authority as an agent to assist with compliance to privacy legislation. PIM Toolkit, 193

Freedom of Information and Protection of Privacy Act (FIPPA), RSO 1990 - applies to Ontario’s provincial ministries and agencies, boards and most commissions, as well as community colleges and district health councils. The Act requires that the government protect the privacy of an individual’s personal information existing in government records. It also gives individuals the right to request access to government information, including most general records and records containing their own personal information.

Ethical Standards for the Teaching Profession – presents a vision of professional practice for members, modeled on the virtues spiritual and cultural values, social justice, **confidentiality**, freedom, democracy and the environment.

Ontario College of Teachers Act, Regulation 437/97 – defines situations where the releasing or disclosing of information about a student is considered professional misconduct.

Personal Information Protection and Electronic Documents Act (PIPEDA), 2000 - Federal legislation for the private sector meant to ensure personal information is collected and used in ways that secure and protect that information. PIM Toolkit, 328

Youth Criminal Justice Act, 2002 – This law replaced the Young Offenders Act. It applies to youth, who 12 years old or older, but who is less than 18 years old and who is alleged to have committed an offence as a youth. The Act creates separate rules regarding youth crime, particularly privacy protections. Consult your board’s protocol for cooperating with the police.
[The Canadian Encyclopaedia](#)

Child and Family Services Act – “The paramount purpose of this Act is to promote the best interests, protection and well being of children.” S. 1 (1). This act may be relevant when custodial issues arise; such as, does a non-custodial parent have access to a child’s OSR. See, also, [Children’s Law Reform Act](#).

Divorce Act, 1985 - The 1985 *Divorce Act* changed the rules by which a court could assume jurisdiction to deal with a petition for divorce. Sections 3 to 6 of the Act define the circumstances in which the court of a province will have jurisdiction to hear a petition for divorce. In general, the court will have jurisdiction if one or both spouses are ordinarily resident in the province where the proceedings are commenced. Any subsequent variation applications are not necessarily heard by the same court that granted an original divorce judgment, but may be made to a court of a province in which one or both spouses is ordinarily resident, or where the spouses accept the court’s jurisdiction. Of particular interest to principals is Section 16 which outlines applications for custody.

York Region District School Board (YRDSB) has compiled a “Student legal rights and capacities” document. To access the YRDSB student legal rights and capacities information, [click here](#).