

# **Information Requests by Agencies** OIPO, FAQ 10 (Police Services); OIPO, FAQ

## #9 (Information requested from a School or School Board by the CAS)

### **As principal, what information am I required to provide when police come to school?**

The *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) sets limits for the type of information that principals, and other school officials, can disclose in relation to their students. The principal would not be permitted to disclose personal information about a student to anyone, and that includes the police, unless certain conditions of the *Act* are met. An important piece of the *Act* in relation to your question is section 32(g). This section states that an institution shall not disclose personal information without the consent of the individual except:

(g) if the disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

Clearly the police require the principal to disclose personal information for the purposes of law enforcement i.e. in matters of an investigation. Other situations where a principal may be permitted to disclose personal information include an emergency affecting the life or safety of the person, or in compassionate circumstances if the information is needed to facilitate contact with a next of kin or friend of a person who is injured, ill, or deceased (ss.32 (h) and (i)).

On occasion the police officer investigating an incident will ask the principal for their investigative notes. The decision to share these notes with the police is discretionary and should be based on the content, context and quality of the notes themselves. A principal may choose to give a written or verbal statement in place of the notes.

### **There is an ongoing child protection investigation at my school. When a case worker from the Children's Aid Society visits, am I compelled to provide personal information about students?**

The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* establishes certain boundaries for principals and other school officials in relation to the disclosure of information about children without permission of the parent/guardian. In most instances, a school or school board cannot give out personal information relating to your children to anyone unless the conditions of *MFIPPA* are met. An important section of *MFIPPA* is section 32(e), which states that the school shall not disclose personal information except: ...for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act or a treaty.

The Children's Aid Society operates under the authority of the *Child and Family Services Act (CFSA)* and its regulations. It is a very complex and detailed piece of legislation which gives these types of agencies very broad duties, powers, and responsibilities relating to the protection of children. One requirement of the *CFSA* is section 72, which states that if persons who perform professional or official duties with respect to children, such as teachers and school principals, have reasonable grounds to suspect that a child has or will suffer various harms, among other things, at the hands of a person, that they report their suspicion and the information on which it is to be based to a Children's Aid Society.

According to the *CFSA*, the Children's Aid Society has the right to obtain personal information from schools and school boards in order to investigate allegations or complaints around the issue of child protection. The principal would only be justified in disclosing information about children if a Children's Aid Society review team, or any of its members, reasonably required the information for a review under section 73(4) of the *CFSA*. In this situation, the principal is permitted to disclose children's personal information without your permission.

**Principal's Best Practice:** Familiarize yourself with your board's protocol for working with Police Services and the Children's Aid Society. You may wish to become more familiar with School Resource Officers, Police Captains, etc. who are in your jurisdiction, thereby building a healthy working relationship.