
FREEDOM OF INFORMATION

Background

The *Freedom of Information and Protection of Privacy Act* (FIPPA) governs access to information and protection of privacy with respect to records in the custody or control of the District. The District acknowledges the right of access by the public to any information within the records held by or controlled by the District subject to the application of specific exceptions contained in FIPPA.

The District also understands it has a responsibility to safeguard the confidentiality of personal information in its custody or control. Thus the District must protect such information which may be deemed personal by all who could be affected by releasing such information including third parties.

Any release of personal information must follow the provisions of the *Freedom of Information and Protection of Privacy Act* (FIPPA). Information which is not deemed to be sensitive or personal other than to he/she who is requesting it may be obtained informally.

Procedures

1. Administrative Authority
 - 1.1. As required under Section 77 (a) of FIPPA, the Superintendent has been designated as the official head of the District for the purposes of FIPPA.
 - 1.2. The Secretary-Treasurer will act as the Freedom of Information and Protection of Privacy Officer for the District and take responsibility for the administration of FIPPA, this Administrative Procedure, and its associated procedures.
2. The intent of this Administrative Procedure is to:
 - 2.1. Allow any person a right of access to records in the custody or control of the District, subject to the exceptions included in FIPPA..
 - 2.2. Allow individuals a right of access to personal information about themselves that is held by the District within the limits set out in FIPPA.
 - 2.3. Allow individuals a right to request corrections to their personal information held by the District.
 - 2.4. Provide for independent reviews of decisions made by the District under FIPPA and to provide for resolutions of complaints made under FIPPA.
 - 2.5. To ensure that personal information remains protected as outlined in FIPPA.

- 2.6. To control the way the District may collect personal information from individuals, use personal information it has collected, and disclose personal information it holds or controls, to others.

3. District Responsibilities

The District will:

- 3.1. Protect the personal information held in its custody and/or control and the privacy of those to whom such information pertains.
- 3.2. Operate in accordance with the School Act and FIPPA regarding all individuals' privacy and the security of their personal information.
- 3.3. Inform students, parents, employees, volunteers, and third-party service providers of why and how it collects, uses, and discloses their personal information.
- 3.4. Obtain consent where required and protect all personal information through responsible information management practices.
- 3.5. Hold all personal information within Canada in accordance with FIPPA. Any exceptions to this will be evaluated in accordance with guidelines from the Office of the Information and Privacy Commission of British Columbia.
- 3.6. Grant access to any information in a student's records which may be required by a person providing health services, social services, or other support services under Section 79 of the School Act, that may be required to carry out his/her duties.

4. Exceptions to Disclosure

- 4.1. These are the instances when the District may refuse to provide information:
 - 4.1.1. Harm to Individual or Public Safety
Information that could result in harm to any person's mental, physical, or emotional health or to public safety can be withheld.
 - 4.1.2. Financial or Economic Harm
The District will withhold information which, if released, would cause financial or economic harm to the District or to the Province of BC.
 - 4.1.3. Legal Advice
In the same way that communications between a client and lawyer are confidential, FIPPA allows the District to withhold communications between itself and its legal counsel.
 - 4.1.4. Law Enforcement
The District may withhold information that would harm a law enforcement matter.

4.1.5. Information Soon to be Published

The District may withhold information from an applicant if it had already planned to release or publish information within 60 days, or if it is already for sale to the public.

4.1.6. Harm to Business Interests

If the District is in possession of commercial or financial information of an outside business and it must withhold that information from an applicant if releasing it would cause harm to the business.

4.1.7. Harm to Personal Privacy

Personal information belongs to the individual and except in very limited circumstances the District must not release personal information to anyone but the individual.

4.1.8. Cabinet Confidences

The District must withhold information that would reveal Cabinet confidences. Boards are permitted to withhold information that was discussed at closed-door (in camera) meetings.

4.1.9. Heritage Sites

Information about heritage sites which would result in the exploitation or destruction of those sites can be withheld from disclosure.

4.1.10. Intergovernmental Relations

Matters which could harm the relations between B.C.'s levels of government and governments from other provinces and jurisdictions may be withheld.

5. The Superintendent shall designate a Coordinator for the purpose of the Freedom of Information and Protection of Privacy Act. This individual shall be responsible for ensuring the District complies with the provisions of the Act.
6. The Coordinator is empowered to fulfill the duties described in the FIPPA which includes the establishing of procedures and practices to ensure appropriate management of the legislation.
7. When fees are to be levied under the FIPPA (section 75) the Government of British Columbia adopted rates as specified in the FIPPA shall be applied in the District.
8. All persons making requests for the release of information shall be notified as to the appeal provisions under the Act. It is often the case that the information can be requested in an informal way, without using the FIPPA. This informal route will often be faster and less expensive for the District to administer.

9. Requests for access to information, including access to personal information, under the Act must be in writing, and must provide sufficient detail to enable the District, with reasonable effort, to identify the records sought.
10. While a student is registered at a school within the District, access to the information contained within the student's records will be made available to other schools, including francophone, independent, and public schools within the Province, only in accordance with Section 79.1 of the School Act.
11. The District is not required to spend more than three hours responding to any one access request.
12. The District does not require relief under s. 43 of the FIPPA to be able to refuse to disclose copies of records that it has already provided to the applicant, either through a previous request or another avenue of access.

References: Sections 22, 65, 85, *School Act*
 Freedom and Information and Protection of Privacy Act.
 Freedom of Information and Protection of Privacy Regulation
 A Guide to the BC Freedom of Information and Protection of Privacy Act
 http://www.cio.gov.bc.ca/cio/priv leg/FIPPA/FIPPA_guide.page
 Cloud Computing Guidelines for Public Bodies, Updated June 2012
 <https://esquimalt.public.sd61.bc.ca/wp-content/uploads/sites/34/2013/09/OIPC-Cloud-Computing-Guidelines-for-Public-Bodies.pdf>

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