

ACCESS AND PRIVACY

Purpose

The purpose of this policy regulation is to ensure that the Division meets its obligation under The Freedom of Information and Protection of Privacy Act (FIPPA) and The Personal Health Information Act (PHIA) and other applicable legislation, including division policies

Duties

For the purposes of FIPPA, the duties, powers and responsibilities are delegated as follows:

Head (s.1 and s.80 of the Act) – the chairperson of the board

Access and Privacy Officer (s.81 of the act, sec.1 reg) - Secretary Treasurer

Access and Privacy Coordinator (s.2 reg) – Records Management Assistant

Responsibilities

Head – the Head is designated as the head of the public body for the purposes of the Act.

Access and Privacy Officer – the Access and Privacy Officer is responsible for the overall direction of access to information and protection of privacy matters in the Division.

Access and Privacy Coordinator – the Access and Privacy Coordinator is responsible for receiving applications for access to records and for the day to day administration of FIPPA and PHIA in the Division.

Access to Information

FIPPA provides a right of access to information in records held by public bodies. With certain exceptions individuals may see and obtain copies of records in the custody of the Division. If a request for records/personal information is received, contact the access and privacy coordinator for guidance as to whether the information can be provided or alternatively if it needs to go through the formal FIPPA application process.

Pledge of Confidentiality

All employees and volunteers of the Pembina Trails School Division are required to sign a pledge of confidentiality. Signing the pledge acknowledges that the employee or volunteer agrees to abide by both FIPPA and PHIA.

Privacy Breaches

A privacy breach occurs when there is unauthorized collection, use, disclosure or disposal of personal or personal health information. Such activity is “unauthorized” if it is not permitted by the Freedom of Information and Protection of Privacy Act (FIPPA) or the Personal Health Information Act (PHIA).

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The most common breaches occur when personal information is stolen, lost or mistakenly disclosed.

Privacy breaches or suspected privacy breaches are to be reported to the Access and Privacy Officer or Privacy and Access Coordinator immediately. The Officer or Coordinator will evaluate the breach and determine the next steps in the process. Privacy breach checklists and breach investigations are to be performed by the Privacy and Access Coordinator.

Privacy Impact Assessment (PIA)

School Divisions have specific privacy obligations under FIPPA and PHIA. These obligations include how personal information is collected, used, disclosed, and protected.

Protecting privacy involves taking a proactive approach to safeguarding the public's personal and personal health information. The Division uses the Privacy Impact Assessments as a tool in this proactive approach.

PIA's allow the Division to evaluate a proposed or existing program, service or activity to assess its privacy impact and to ensure that personal information is safeguarded.

Managers should consult with the Access and Privacy Coordinator when considering any new system, project, program, service or activity that may involve personal information to determine whether a PIA is required.

Definitions

Access to Information

Viewing or copying of a record held in the custody or under the control of the public body.

FIPPA

The Freedom of Information and Protection of Privacy Act (FIPPA) is an information rights law that gives an individual a legal right of access to records held by Manitoba public bodies, subject to specific and limited exceptions. The act also requires that public bodies protect the privacy of an individual's personal information existing in records held by public bodies.

PHIA

The Personal Health Information Act (PHIA) provides access to information and protection of privacy rights concerning personal health information. PHIA allows individuals to examine and receive a copy of their own personal health information from a trustee holding this information. PHIA imposes obligations on trustees for the protection of personal health information, specifically its collection, use, disclosure and security. The school division is a trustee of personal health information that is contained in student records, employee records and records related to health related services in the Division.

Records

a) Records shall be defined as any type of recorded information or image created or received by any Division employee in schools or administrative departments or the Board, regardless of physical form or characteristics. Records include, but are not restricted to, administrative files, personnel records, and student records (which include Pupil Files) in both paper and electronic

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formats, whether in draft or final form;

b) Electronic records are information created, recorded, stored and/or manipulated in any digital storage device carrying data in any format but excluding the computer program(s) application(s) that were used to produce the electronic record(s);

c) Permanent records include any record which has been identified as having an enduring value. They may be of permanent significance to the Division for legal, fiscal, or administrative purposes. Permanent records may also be of historical and/or cultural importance to a wide range of people including former students, teachers, local historians, academics and the general public.

Personal Health Information

Personal health information as defined by *The Personal Health Information Act (PHIA)*, Section 1(1), is any recorded information about an identifiable individual, including electronic information, including:

a) the individual's health, or health care history, including genetic information about the individual,

b) the provision of health care to the individual, or

c) payment for health care provided to the individual,

d) the personal health information number (PHIN) as defined in PHIA, and any other identifying number, symbol or particular assigned to an individual, and

e) any identifying information about the individual that is collected in the course of, and is incidental to, the provision of health care or payment for health care.

Personal Information

Personal information means recorded information about an identifiable individual, including the following as defined in FIPPA:

a) the individual's name,

b) the individual's home address, or home telephone, facsimile or e-mail number,

c) information about the individual's age, sex, sexual orientation, marital or family status,

d) information about the individual's ancestry, race, colour, nationality, or national or ethnic origin,

e) information about the individual's religion or creed, or religious belief, association or activity,

f) personal health information about the individual,

g) the individual's blood type, fingerprints, or other hereditary characteristics information about the individual's political belief, association, or activity,

h) information about the individual's political belief, association, or activity,

i) information about the individual's education, employment or occupation, or educational, employment or occupational history,

j) information about the individual's source of income or financial circumstances, activities, or history,

k) information about the individual's criminal history, including regulatory offences,

l) the individual's own personal views or opinions, except if they are about another person,

m) the views or opinions expressed about the individual by another person, and

n) an identifying number, symbol or other particular assigned to the individual.

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