



PURPOSE

The Privacy Standard sets the foundation for all guidelines, policies and procedure within the toolkit. It is expected that this Privacy Standard will be used in its entirety and will not be rewritten or otherwise interpreted. The 10 commitments contained in the Privacy Standard are strong only as a unit and are not intended to be implemented separately.

Overview

Definition of a Standard

A standard is a set of rules, guidelines, and characteristics for activities or their results, which is provided for common and repeated use. It is typically established by consensus and is usually a collective work created by bringing together the experience and expertise of all interested parties and stakeholders.

Standards are designed to achieve optimal community benefits within a given context based on best practices and experience in a certain field such as science, technology, or management. With the objective of building confidence and acceptance by target users, a standard is expressed in recognizable language, and its adoption is voluntary. Sometimes a standard is made compulsory when laws or regulations refer to it and make it obligatory. Other times, a standard is given force by being recognized by an authoritative body.

Purpose of the Privacy Standard

The Privacy Standard aligns the commitments of Ontario school boards/authorities regarding privacy protection with what they actually do when managing personal information by:

- documenting what is done;
- performing to that documentation in a systematic way;
- ensuring that the process is effective—for example, results are achieved, monitored, and verified;
- extending the reach of the standard to third party service providers; and
- recording the results of the work, thereby enhancing trust.

In this way, the Privacy Standard helps to foster a culture of privacy with respect to how Ontario school boards/authorities collect, use, disclose, secure, retain, and dispose of personal information. It also ensures the right of individuals to have access to personal information about themselves and, as appropriate, to have it corrected.



Benefits of a Privacy Standard

The Privacy Standard has been developed by the Privacy Information Management taskforce for use by Ontario school boards/authorities. The ten commitments which make up the Privacy Standard have been adapted from the CSA Fair Information Privacy Principles. All Ontario school board/authority employees and students will benefit from a clear understanding of the Standard and the activities that support it and its guidelines. The Standard will also be useful for the parents, students, and other stakeholders to understand what measures are being taken to protect their personal information.

Considerations in Developing the Privacy Standard

During the development of this Standard, consideration was given to existing legislation that has direct and indirect impact on Ontario school boards/authorities regarding the collection, use, disclosure, retention, and disposal of personal information, such as the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the *Personal Health Information Protection Act* (PHIPA), the *Education Act* (including the Ontario Student Record Guidelines), and the *Personal Information and Protection of Electronic Documents Act* (PIPEDA). In addition, this Standard attempts to meet public expectations regarding the protection of personal information.

Some Ontario school boards/authorities have developed and implemented policies and procedures relating to the collection and use of employee and student personal information. These documents should be reviewed to ensure compliance and consistency with this Privacy Standard.

Scope and Application of the Privacy Standard

For the purpose of this Standard, personal information includes personal health information except where otherwise noted.

Municipal Freedom of Information and Protection of Privacy Act

The Ontario government's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) sets out requirements for municipal government institutions to follow in order to provide a right of access and a right of correction to recorded information under their custody or control and to protect personal information about individuals held by those institutions.

MFIPPA defines personal information as recorded information about an identifiable individual, including:

- a. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation, or marital or family status of the individual;
- b. Information relating to the education or the medical, psychiatric, psychological, criminal, or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c. Any identifying number, symbol, or other particular assigned to the individual;
- d. The address, telephone number, fingerprints, or blood type of the individual;



- e. The personal opinions or views of the individual, except if they relate to another individual;
- f. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g. The views or opinions of another individual about the individual; and
- h. The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

MFIPPA provides that its confidentiality provisions prevail over those of the Education Act. Consideration should be given to compliance with both MFIPPA and the Education Act where possible.

Personal Health Information Protection Act

In addition, Ontario school boards/authorities are impacted by the Personal Health Information Protection Act (PHIPA), the purposes of which are:

- a. To establish rules for the collection, use, and disclosure of personal health information about individuals that protect the confidentiality of that information and the privacy of individuals with respect to that information while facilitating the effective provision of health care;
- b. To provide individuals with a right of access to personal health information about themselves subject to limited and specific exceptions set out in this Act; and
- c. To provide individuals with a right to require the correction or amendment of personal health information about themselves subject to limited and specific exceptions set out in the Act.

PHIPA defines “personal health information” as identifying information about an individual in oral or recorded form if the information:

- a. relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family;
- b. relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual;
- c. is a plan of service within the meaning of the Long-Term Care Act, 1994 for the individual;
- d. relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual;
- e. relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance;
- f. is the individual's health number; or
- g. identifies an individual's substitute decision-maker.



Implementing the Privacy Standard

Ontario school boards/authorities should be prepared to inform individuals about the personal information they have about the individual in their custody or control and how they manage it. They should also be prepared to demonstrate that their record-keeping practices comply with MFIPPA and with other legislation and records/information management policies and practices, and should be able to answer questions or address concerns that individuals might have.

Ontario school boards/authorities should have a plan that makes the protection of personal information a priority. Such a plan should:

- establish overall accountability for privacy;
- ensure that reasonable resources are coordinated and made available to meet the plan timelines and deliverables;
- provide extensive security awareness and privacy training at all levels;
- demonstrate senior-level commitment;
- include privacy issues in the job performance process; and
- develop, monitor, and enforce privacy policies and procedures.

Ontario school boards/authorities should monitor:

- deficiencies in compliance with requirements of law and school board policy, and address them appropriately and quickly;
- third party service providers' compliance with their contractual privacy obligations by a variety of means, such as obtaining relevant management statements of compliance, conducting periodic audits, or obtaining service auditor reports; and
- the content and implementation of privacy obligations in service agreements and information-sharing arrangements through periodic review and discussion.

Ontario School Boards/Authorities Privacy Standard

Ontario school boards/authorities are committed to the protection of personal information under their control and to the individuals' right of privacy regarding personal information that is collected, used, disclosed, and retained in the school system. To this end, this Standard of privacy commitments is based on globally recognized fair information principles and is grounded in Ontario privacy legislation. Implementation is recommended for all Ontario school boards/authorities.

1. Accountability and Responsibility

Under the Municipal Freedom of Information and Protection of Privacy Act, the boards of trustees of Ontario school boards/authorities are responsible for personal information under their control and may designate an individual within their school board/authority who is accountable for compliance with privacy legislation.

Under the Personal Health Information Protection Act, health information custodians are responsible for personal health information and may designate an individual within their school board as an agent to assist with compliance with privacy legislation.



2. Specified Purposes

The purposes for which personal information is collected are specified, and individuals are notified of the purposes at or before the time personal information is collected.

3. Consent

An individual's informed consent is required for the collection, use, and disclosure of personal information, except where otherwise permitted by law.

4. Limiting Collection

The collection of personal information is fair, lawful, and limited to that which is necessary for the specified purposes.

5. Limiting Use, Retention, and Disclosure

The use, retention, and disclosure of personal information are limited to the specified purposes identified to the individual, except where otherwise permitted by law.

6. Accuracy

Ontario school boards/authorities ensure that personal information is accurate, complete, and up-to-date in order to fulfill the specified purposes for its collection, use, disclosure, and retention.

7. Security Safeguards

Personal information is secured and protected from unauthorized access, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

8. Openness and Transparency

Policies and practices relating to the management of personal information are made readily available to the public.

9. Access and Correction

An individual has the right to access his/her personal information and will be given access to that information in accordance with privacy legislation, subject to any restrictions. An individual has the right to challenge the accuracy and completeness of the information and request that it be amended, as appropriate, or to have a letter/statement of disagreement retained on file. Any individual to whom the disclosure has been granted in the year preceding a correction has the right to be notified of the correction/statement. An individual is to be advised of any third party service provider requests for his/her personal information in accordance with privacy legislation.

10. Compliance

An individual may address or challenge compliance with the above principles to the designated individual(s) accountable in each of the Ontario school boards/authorities.



Implementing the Privacy Standard

1. Accountability and Responsibility

Under the Municipal Freedom of Information and Protection of Privacy Act, the boards of trustees of Ontario school boards/authorities are responsible by law for personal information under their control and may designate an individual within their school board/authority who is accountable for compliance with privacy legislation.

Under Personal Health Information Protection Act, health information custodians are responsible for personal health information and may designate an individual within their school board as an agent to assist with compliance with privacy legislation.

Implementation

- a. Accountability for the development and implementation of policies related to the protection of privacy resides with the Director of Education, who may further delegate responsibility for administration of the development of procedures and administration of the privacy policies and procedures to a designate.
- b. All Ontario school board/authority employees are aware of privacy policies, procedures, and practices.
- c. Procedures are in place to ensure that third party service providers who have custody of personal information on behalf of the Ontario school board/authority will be held accountable for the required protection of that information. Third party service providers are obliged to abide by the Ontario school board/authority privacy policies, procedures, and practices.
- d. Procedures regarding accountability and responsibility are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. The identity of the individual(s) designated by the Ontario school board/authority to oversee compliance with the principles shall be made known upon request.
- ii. Third party service provider agreements specify that they comply with Ontario privacy legislation.
- iii. Ontario school boards/authorities should provide training opportunities for all employees that are relevant to their roles.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies



2. Specified Purposes

The purposes for which personal information is collected are specified, and individuals are notified of the purposes at or before the time personal information is collected.

Implementation

- a. Personal information is collected for specified purposes in accordance with the legislation.
- b. Procedures are in place to provide notice to the individual(s) identifying the purpose(s) for which the personal information is collected, used and/or disclosed. All notices must contain:
 - the purposes for which the information is to be used or disclosed;
 - the legal authority for the collection, for example, the statutory section(s) which authorize the collection; and
 - the title, business telephone number, and business and email address of an employee who can answer questions about the collection.

- c. Procedures are in place to ensure that third party service providers who collect, use, retain, and/or disclose personal information on behalf of Ontario school boards/authorities do so only for specified purposes, and provide notice to individuals stating the purpose(s) for which the personal information is collected, used, and/or disclosed.

- d. Procedures' specified purposes are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Identifying the purposes to the individual (s) for which personal information is collected at or before the time of collection allows Ontario school boards/authorities to determine the information they need.
- ii. The identified purposes are specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon how the information is collected, this identification of purpose can be provided orally or in writing. An application form, for example, may give notice of the purposes.
- iii. Exceptions to notice, which are otherwise permitted by law, such as where personal information is collected for the purposes of awarding scholarships, are communicated.
- iv. Ontario school boards/authorities should monitor the implementation of the collection, use, disclosure, and destruction procedures by employees and third party service providers by conducting periodic checks and other measures.
- v. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding specified purposes.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Guidelines for Drafting Privacy Notification Statements



3. Consent

An individual's informed consent is required for the collection, use, and disclosure of personal information, except where otherwise permitted by law.

Implementation

- a. Procedures are in place to obtain consent from individuals regarding the collection, use, and disclosure of their personal information as required.
- b. Procedures are in place in order to outline any exceptions to securing consent in accordance with the legislation. For example, MFIPPA does not require the consent of the individual for collection when information is collected directly from the individual. Indirect collections may require consent if no other exemption applies. Collection of personal health information requires consent, if no other exemption applies.
- c. Procedures are in place to ensure that third party service providers obtain consent from individuals regarding the collection, use, and disclosure of their personal information, as required.
- d. Procedures regarding obtaining necessary consent are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Typically, Ontario school boards/authorities will seek consent, if required, for the use or disclosure of personal information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an Ontario school board/authority wants to use information for a purpose not previously identified and not consistent with such purpose).
- ii. Consent shall not be obtained through deception. The purposes for which consent is sought must be clear to the individual.
- iii. Individuals can give consent in many ways, but the type or form of the consent is dependent upon the circumstances; for example:
 - Explicit, written consent: An application form may be used to seek consent, inform the individual of the use that will be made of the information, and collect the information to be used. By completing and signing the form, the individual is giving consent to the collection and the specified uses.
 - Implicit consent: A check-off box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third party service providers.
 - Oral consent: Consent may be given orally when information is collected
- iv. Subject to legal or contractual restrictions and reasonable notice, an individual may withdraw consent at any time. The Ontario school board/authority should inform the individual of the implications of such withdrawal.
- v. Ontario school boards/authorities should monitor the implementation of the consent procedures by employees and third party service providers by conducting periodic checks and other measures.
- vi. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding consent.



Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Guidelines for Drafting Privacy Notification Statements

Ministry of Education Ontario School Record (OSR) Guideline

4. Limiting Collection

The collection of personal information is fair, lawful, and limited to that which is necessary for the specified purposes.

Implementation

- a. Personal information is only collected when it is essential for providing for the education of students or the employment of Ontario school boards'/authorities' employees or as required and authorized by law.
- b. Procedures are in place to ensure that third party service providers limit their collection of personal information in accordance with the legislation.
- c. Procedures regarding limiting collection are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. The Ontario school boards/authorities should only collect information necessary for the purposes that have been identified.
- ii. Ontario school boards/authorities should monitor the implementation of the collection procedures by employees and third party service providers by conducting periodic checks and other measures.
- iii. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding limiting collection.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies



5. Limiting Use, Retention, and Disclosure

The use, retention, and disclosure of personal information are limited to the specified purposes identified to the individual, except where otherwise permitted by law.

Implementation

- a. Procedures are in place to ensure that personal information that has been collected is used, retained, and disclosed solely for the purpose(s) identified to the individual or for a consistent purpose, except where otherwise permitted by law.
- b. Procedures are in place to ensure that third party service providers collect, use, retain, and disclose personal information solely for the purpose(s) identified to the individuals.
- c. Procedures are in place to ensure that personal information should be securely destroyed after the retention period has expired.
- d. Procedures regarding limiting use, retention, and disclosure are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Use of a record refers to access being made by employees in the program area of the Ontario school board/authority that holds the information. Privacy legislation restricts the use of personal information to the purpose for which it was collected; a consistent purpose; purposes to which the individual consents; and other limited circumstances.
- ii. Ontario school boards/authorities only retain records containing personal information in accordance with the Ontario school board/authority retention schedule and for the period stated in the privacy legislation.
- iii. Disclosure of information means the release of information in a record to those other than employees in the program area of the Ontario school board/authority that holds the record, except where otherwise limited by the law. Section 33 of MFIPPA permits the disclosure of personal information only under certain conditions.

Ontario school boards/authorities should make an informed decision considering all relevant circumstances before disclosing the personal information. These considerations should include whether the disclosure is in the interest of the individual(s) and whether the disclosure is absolutely necessary for providing for the education of students or administering the employment of Ontario school boards/authorities employees. Consequently, disclosure of personal information is only provided to employees and third party service providers who require this information to perform their duties.

- iv. When Ontario school boards/authorities receive requests for personal information from the Ministry of Education, other Ministries, other Ontario school boards/authorities, or private agencies, they should verify the legal authority for the disclosure.
- v. Ontario school boards/authorities should monitor the implementation of their procedures limiting use, retention, and disclosure by employees and third party service providers by conducting periodic checks and other measures.
- vi. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding limiting use, retention, and disclosure.



Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Guidelines for the Secure Destruction of Data

Guidelines for the Destruction of Hardware

Model Classification and Retention Schedule

6. Accuracy

Ontario school boards/authorities ensure that personal information is accurate, complete, and up-to-date in order to fulfill the specified purposes for its collection, use, disclosure, and retention.

Implementation

- a. Procedures are in place to ensure that personal information that is collected is accurate, complete, and current prior to using such information.
- b. Procedures are in place to ensure that the personal information that third party service providers collect is accurate, complete, and current prior to using such information.
- c. Procedures regarding accuracy are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Information is sufficiently accurate, complete, and up-to-date to avoid inaccurate information being used in decision-making about the individual. Ontario school boards/authorities should not routinely update personal information but only in the context of its use:
 - Record correction requests as they are made;
 - Identify and transfer misdirected requests in a timely manner; and
 - Communicate corrections to individuals.
- ii. When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, the Ontario school board/authority should amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to third party service providers having access to the information in question.
- iii. Ontario school boards/authorities should monitor the implementation of accurate recording of personal information by employees and third party service providers by conducting periodic checks, random checks, and other measures. Any inconsistencies should be addressed.
- iv. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding accurate recording of personal information.



Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Model Classification and Retention Schedule

Guidelines for the Use of Electronic Records as Official Records

7. Security Safeguards

Personal information is secured and protected from unauthorized access, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

Implementation

- a. The level and nature of access to personal information that is provided to users is based on sensitivity and is essential for providing for the education of students or the employment of Ontario school boards/authorities employees.
- b. Ontario school boards/authorities should assign responsibility of privacy risk management to an employee who is aware of current privacy laws and legislation.
- c. Procedures are in place to secure personal information from loss, misuse, unauthorized access or disclosure, and inadvertent or inappropriate destruction.
- d. Procedures are in place to ensure that third party service providers secure personal information from loss, misuse, unauthorized access or disclosure, and inadvertent or inappropriate destruction.
- e. Procedures regarding security safeguards are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Access to personal information is limited only to authorized employees based upon their assigned roles and responsibilities. Users are authenticated, for example, by user name and password.
- ii. Ontario school boards/authorities should protect personal information regardless of the format in which it is held. The security safeguards should protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification.
- iii. Methods of protection should include, but are not limited to:
 - Physical measures, for example, locked filing cabinets, restricted access to offices, sign-in logs, limited distribution of reports containing personal information, securely disposing of confidential information (shredding), protecting personal information sent by courier or mail;
 - Organizational measures—for example, security clearances, and limiting access to and ability to change personal information in hard copy and electronic form—that are restricted to authorized employees within the Ontario school board/authority and/or third party service providers contracted by the Ontario school board/authority;
 - Technological measures—for example, passwords, firewalls, levels of encryption, and controls are ensured for remote access and when transmitting data/information via the internet, restricted access to system configuration, super user functionality, master passwords, and security devices—are put in place;



- Disaster recovery plans in case of destruction, accidental loss of personal information, a natural disaster; and
 - Measures applicable to the use of personal information off-site.
- iv. Ontario school boards/authorities should monitor the implementation of security safeguards and privacy risk management by employees and third party service providers by conducting periodic checks and other measures. Identified threats to safeguarding personal information should be addressed and alternate practices put in place.
 - v. Ontario school boards/authorities should provide training opportunities (in-services) for all employees with respect to procedures regarding security safeguards and privacy risk management.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Guidelines for the Secure Destruction of Data

Guidelines for Working Outside the Office

Guidelines for Use of School Board-Owned Portable/Mobile Devices

Guidelines for Data Encryption

Guidelines for School Board Websites

Guidelines for Video Surveillance

Guidelines for Video Conferencing

Guidelines for the Use of Passwords

Guidelines for the Destruction of Hardware

8. Openness and Transparency

Policies and practices relating to the management of personal information are made readily available to the public.

Implementation

- a. Ontario school boards/authorities should promote their commitment to the appropriate management of personal information and continually seek opportunities to publicize their privacy policies, procedures, and practices.
- b. Ontario school boards/authorities should assign responsibility for requests for personal information to a designated employee to ensure that they are handled expeditiously in accordance with the legislation and/or the Ontario school board's/authority's approved privacy policies, procedures, and practices.
- c. Ontario school boards/authorities should have a Privacy Breach Protocol which is communicated to all employees and third party service providers.
- d. Procedures regarding openness and transparency are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Individuals should be able to acquire information about an Ontario school board's/authority's privacy policies and procedures without unreasonable effort. The information made available should include, but is not limited to:



- The name/title and address of the employee who is responsible for the Ontario school board's/authority's privacy policies and practices and to whom inquiries and complaints can be communicated;
 - The means of gaining access to personal information held by the Ontario school board/authority;
 - A description of the type of personal information held by the Ontario school board/authority, including a general account of its use;
 - Brochures, pamphlets, flyers, websites, and any other communication vehicles explaining the Ontario school board's/authority's information privacy, including the Privacy Breach Protocol and managing personal information policies, procedures, and practices; and
 - A listing of personal information that is made available to related organizations.
- ii. Ontario school boards/authorities should identify and report new and inconsistent uses of and disclosures of personal information, including:
- revising notices of collection that are out of date or incorrect;
 - assigning responsibility for the currency and accuracy of notices of collection;
 - assigning responsibility for assembling information to be reported for
 - publication in the personal information bank; and
 - communicating inconsistency notification procedures to employees.
- iii. Ontario school boards/authorities should monitor the implementation of openness and transparency by employees and third party service providers by conducting periodic checks, an annual review, discussions with employees, and other measures.
- iv. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding openness and transparency. Training opportunities outline responsibilities to ensure that a culture of openness and transparency is maintained regarding its privacy practices, including procedures to be followed in the event of a privacy breach.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Guidelines for Selecting and Implementing Electronic Document and Record Management Systems

Model Classification and Retention Schedule



9. Access and Correction

An individual has the right to access his/her personal information and will be given access to that information in accordance with privacy legislation, subject to any restrictions. An individual has the right to challenge the accuracy and completeness of the information and request that it be amended as appropriate or to have a letter/statement of disagreement retained on file. Any individual to whom the disclosure has been granted in the year preceding a correction has the right to be notified of the correction/statement. An individual is advised of any third party service provider requests for his/her personal information in accordance with privacy legislation.

Implementation

- a. Procedures are in place to ensure that, upon request, individuals are informed if the Ontario school boards/authorities hold their personal information and that they are allowed to have access to this information.
- b. Procedures are in place to respond to individuals' requests for access or correction to their personal information within a reasonable time and at minimal or no cost.
- c. Procedures are in place to ensure that, upon request, individuals are informed if third party service providers hold their personal information and that they are allowed to have access to this information.
- d. Procedures are in place to respond to individuals' requests for access or correction to their personal information of third party service providers within a reasonable time and at minimal or no cost.
- e. Procedures regarding access and correction are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Upon request, an Ontario school board/authority should inform an individual whether or not the Ontario school board/authority holds personal information about the individual and should allow the individual access to this information. The Ontario school board/authority should provide an account of the use that has been made or is being made of the information as well as an account of the third party service providers to whom the information has been disclosed.
- ii. The requested information is provided or made available in a reasonably understandable form, for example, if the Ontario school board/authority uses abbreviations or codes to record information, an explanation is provided.
- iii. In order to respond to a request for access, an individual may be required to Provide sufficient information to permit an Ontario school board/authority to provide an account of the existence, use, and disclosure of personal information. The information provided shall only be used for this purpose.
- iv. Where the Ontario school board/authority decides not to amend a record in response to a request for correction, the individual has the right to attach a statement of disagreement.
- v. If requested, the Ontario school board/authority must notify anyone to whom the information has been disclosed in the preceding year of the correction and/or letter/statement of disagreement.
- vi. In providing an account of third party service providers to whom it has disclosed personal information about the individual, the Ontario school board/authority should attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, the Ontario school board/authority should provide a list of organizations to which it may have disclosed information about the individual.
- vii. The Ontario school board/authority should:



- record access requests when they are made;
 - authenticate or confirm the authority of requesters;
 - identify and manage the disclosure of records that incorporate third party service providers' personal information in accordance with the legislation.
- viii. Ontario school boards/authorities should monitor the implementation of its access and correction procedures by employees and third party service providers by conducting periodic checks and other measures.
- ix. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding access and correction.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Guidelines for Selecting and Implementing Electronic Document and Record Management Systems

Model Classification and Retention Schedule

Ministry of Education Ontario Student Record (OSR) Guideline

10. Compliance

An individual may address or challenge compliance with the above principles to the designated individual(s) accountable in each of the Ontario school boards/authorities.

Implementation

- a. Procedures are in place to receive and respond to inquiries or complaints related to the managing of personal information.
- b. The Director of Education or designate is apprised of all complaints and their resolution.
- c. Procedures are in place to ensure that third party service providers respond to inquiries or complaints of their managing of personal information, and should advise the Director of Education or designate of all complaints and their resolution.
- d. Procedures regarding compliance are communicated to all employees.

Typical implementation activities include, but are not limited to, the following:

- i. Ontario school boards/authorities should inform individuals who make inquiries or lodge complaints of the existence of relevant complaint mechanisms as set out in the MFIPPA and PHIPA, as applicable.
- ii. The complaint process should be easily accessible and simple to use.
- iii. All complaints should be investigated, and deficiencies in compliance with the legislation are to be reported in accordance with the Ontario school board/authority policy. If a complaint is found to be justified through either the internal or external complaint review process, the Ontario school board/authority should take appropriate measures, including, if necessary, amending its privacy policies and procedures.



- iv. Ontario school boards/authorities should monitor the implementation of their compliance procedures by employees and third party service providers by conducting periodic checks and other measures.
- v. Ontario school boards/authorities should provide training opportunities for all employees with respect to procedures regarding compliance.

Additional Reference Guidelines

Guidelines for an Information Management Policy

Guidelines for the Use of Third Party Service Provider Agreements with Models

Guidelines for Dealing with Requests for Data from External Agencies

Ministry of Education Ontario Student Record (OSR) Guidelines, 2000

References

AICA/CICA Privacy Framework 2003 (Revised March 22, 2004) (American Institute of Certified Public Accountants and Canadian Institute of Chartered Accountants)

ARMA Standards Development Process

Canadian Standards Association Privacy Code 2007

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