

**Division:** Human Resources

**Effective March 30, 2021**

**Name:** Protection of Privacy Policy

**Approved:** March 30, 2021

**Amended:**

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## **Policy Statement**

The Newfoundland and Labrador English School District (the “District”) collects, uses, retains and discloses information to deliver educational services in the province. The District is responsible for custodianship and accountability when collecting, using and disclosing information, and the protection of personal information in accordance with the [Access to Information and Protection of Privacy Act \(ATIPPA\)](#) and District policies.

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## **Background**

Privacy of personal information is a right of every citizen. This policy addresses the District’s responsibility for the collection of personal information for the purposes of delivering educational services, as well as its legal obligation to ensure information within its custody is secured and protected from unauthorized access, use, disclosure and disposal. This policy addresses the following regarding the protection of personal information:

- The collection, use, disclosure and protection of personal information;
- Access to, and the right to challenge, personal information in the custody and control of the District and third party providers; and
- The process to report a privacy breach.

The District recognizes the importance of providing guidance and direction for the protection of personal information and the development and implementation of a Privacy Management Program. This policy provides a framework under which all parties can fulfil their roles and responsibilities and ensure compliance to legislation and District policies and procedures.

The [Access to Information and Protection of Privacy Act \(ATIPPA\)](#) and regulations is the principal legislation governing the protection of information within Newfoundland and Labrador. Other applicable legislation includes: the [Schools Act 1997](#) the [Privacy Act 1996](#) and the [Personal Health Information Act, 2008](#)

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## Scope

This policy applies to all District employees, service providers, volunteers and Members of the Board of Trustees.

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## Definitions

**Personal information:** As defined in the **ATIPPA** means recorded information about an identifiable individual, including:

- the individual's name, address or telephone number;
- the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;
- the individual's age, gender identity, sexual orientation, marital status or family status;
- an identifying number, symbol or other particular assigned to the individual;
- the individual's fingerprints, blood type or inheritable characteristics;
- information about the individual's health care status or history, including a disability;
- information about the individual's educational, financial, criminal or employment status or history;
- the opinions of a person about the individual; and
- the individual's personal views or opinions, except where they are about someone else.

**Video Image Collection:** Video surveillance and video images collected within District schools and buildings. This information constitutes personal information and adheres to the same standards as personal information identified above.

**Privacy:** The right of an individual to control the collection, use, and disclosure of personal information. Privacy of personal information is a right of every citizen.

**Privacy Breach:** An incident where personal information is collected, used, retained or disclosed without authorization or in error.

## Privacy Principles

The **ATIPPA** privacy provisions are based on standards known as Fair Information Practices or Generally Accepted Privacy Principles (GAPP). The handling of personal information by the District is based on those standards:

- 1) **Accountability:** As defined by the **ATIPPA**, the District is accountable for personal information under its control. The CEO/Director of Education is delegated as 'Authority Head' for the purposes of complying with the **ATIPPA**.
- 2) **Identifying Purposes:** The District will specify/identify the purposes for which personal information is collected, used, retained and disclosed.
- 3) **Consent:** The District will obtain a person's consent for the collection, use, or disclosure of personal information, or notify the person of the collection, use or disclosure of personal information, in accordance with the provisions of the **ATIPPA** and district policies.
- 4) **Limiting Collection:** The District will limit the collection of personal information to that which is necessary for the purposes for which the District is authorized to collect.
- 5) **Limiting Use, Retention and Disclosure:** Personal information will only be used and retained for as long as is necessary to satisfy the purposes for which it was collected, and will be disclosed in accordance with the provisions of the **ATIPPA** and District policies.
- 6) **Accuracy:** The District will take all reasonable measures to ensure that any personal information that is collected, retained or disclosed is accurate, complete and up-to-date as dictated by the purpose for its collection, retention and disclosure. An individual has the right to challenge the accuracy and completeness of his/her personal information.
- 7) **Safeguards:** The District will take all reasonable measures to ensure that personal information is protected from unauthorized access, use, and disclosure.
- 8) **Openness:** The District will ensure that all policies and regulations related to the management of personal and confidential information are readily available to all staff and the public.
- 9) **Individual Access:** The District will ensure that, upon request, an individual will be informed of the existence, use and/or disclosure of his/her personal information and will be given access to that information as provided for in the **ATIPPA** and District Policies.
- 10) **Challenging Compliance:** The District will establish a protocol to enable an individual to address a challenge concerning compliance with the above principles.

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## Policy Directives

1. The District will only collect, use, retain and disclose information in the delivery of educational services to students and in accordance with the **ATIPPA** legislation.
2. The District will take reasonable measures and implement safeguards to ensure:
  - a. the protection of personal information in its custody and control against unauthorized access, collection, use, disclosure or disposal and in adherence with retention schedules.
  - b. that those authorized to access such information is done so only within the performance of their employment duties.
  - c. individual rights to access to their own personal information is provided as per legislative requirements, including an individual's right to challenge the accuracy and completeness of the information and request amendments as appropriate. However, employees with access to District information are to follow protocols set out by the District to access their own personal information.
3. This policy is applicable to:
  - a. all records under the control of the District that apply to all aspects of District operations and all records created or received in the day-to-day business operations of District, regardless of the medium in which those records are created, stored and maintained.
  - b. all administrative and educational applications and information technology systems used to create, store, and manage records and information including, but not limited to, email, database applications and websites.
  - c. all staff and any third party or agents who collect or receive records and information on behalf of the District or for the day-to-day operations of the District.
  - d. The CEO/Director of Education is responsible to ensure compliance and to delegate administration of legislative requirements to designated staff.
4. The **ATIPPA** requires that all public bodies (defined in the **ATIPPA**), including school boards:
  - a. provide the public with the right of access to records.
  - b. protect the privacy of individuals whose personal information is collected, used and disclosed by public bodies.

5. Any individual who willfully accesses, uses or discloses information without authority and in contravention of the Act may be subject to the penalties under the Act, and action being taken by the District. Such action by the District may include disciplinary action, up to and including termination of employment; and/or referral for criminal investigation/prosecution.
6. The District will ensure third party service providers, who have access and custody of personal information on its behalf, are held accountable for protection of that information. Third party service providers are obligated to abide by applicable legislation and the District's privacy policy, procedure and protocols.
7. The District will take reasonable measures to include privacy requirements within programs, contracts, agreements and information technology.
8. The District will implement a privacy breach protocol for investigating and mitigating any incidents where personal information is accessed, collected, used, and or disclosed by an individual unauthorized to do so.
9. If an individual has a concern or complaint regarding the handling of their personal information, or about the accuracy of his/her personal information, they should contact a supervisor or the ATIPP Coordinator for the District at Headquarters: (709) 758-4036 or [atipp@nlesd.ca](mailto:atipp@nlesd.ca).