



*The Freedom of Information and Protection of Privacy Act (also known as FOIP) aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Alberta.*

*This law, proclaimed October 1, 1995, affects all provincial government departments, agencies, boards and commissions. The Act will apply to school boards and charter schools on September 1, 1998. Other local public bodies, such as health care bodies, post-secondary educational institutions, and local governments will be covered by the Act by October 1999.*

*In a school setting, the personal privacy of students and parents is protected by rules that schools must follow in the collection, use, protection and disclosure of personal information.*

*Alberta schools collect and use personal information for authorized programs and activities that are a normal part of school life. These uses are a vital part of a healthy and functioning school and participation of all students is very important. The FOIP Act will not dramatically change normal school activities; it will not prevent parents from participating in their children's education. It will allow parents and students broader rights of access to information and it will obligate schools to protect privacy.*

*The Act should be applied in a common sense manner and should not negatively affect school life. The following are some of the questions that have been raised. The responses are provided to clarify matters for teachers, parents and students.*

### **How will FOIP impact the District?**

The *Act* supports a culture of openness, which will mean a different approach to how we have traditionally dealt with information. The information and records within the District will be more open to the public. In addition, we will have a legal obligation to help the public access information where it is appropriate under the *Act*.

This requires at one level a shift in culture to openness. At another level, it requires that we meet obligations to protect the privacy of individuals and continue to hold that information confidential. This culture shift will force the District to be more accountable for the information that we create, collect, use, keep and destroy.

### **How will the freedom of information provisions effect the manner in which we deal with the public?**

The new information and privacy legislation is not intended to replace the normal process of providing information. For the most part, it is expected that District staff will continue to respond to the majority of oral and written information requests on an informal and voluntary basis.

However, in those instances where someone requests information that normally would not be provided, the requester has the right to make a formal access request. Once this request is made the District must formally respond within 30 calendar days of the request, by either providing the information in whole or in part, or by explaining why the information cannot be released.

### **What about the protection of individual privacy?**

The *Act* balances the right to access information with the recognition that an individual's personal information held in the District is about individual students or employees.

Personal information is defined within the *Act* as any recorded information about an identifiable individual. This information would include an individual's name, address, phone number, ethnicity, religion, age, marital status, any identifying number or symbol, education, financial, health, employment or criminal history as well as anyone else's personal opinions about the individual.

In order to protect the privacy of an individual's personal information the *Act* establishes strict standards for the collection, use, retention, and disposal of personal information. This will mean that the District must only use information for the purpose for which it was collected. School district employees must ensure that records containing personal information are handled with great care.

### **What should I do to prepare for the implementation of FOIP?**

During 1998 the District will be holding FOIP inservices to provide guidance to staff on the implementation of the *Act*. Principals will be inserviced first and then specific groups such as counsellors; Central Office managers and other front line staff will receive direction.

### **Should I destroy any documents at my school in order to prepare for the introduction of FOIP?**

At this point in time staff are advised not to destroy any records at their school in anticipation of the *Act*. Section 86(2) of the *Act* states that any individual who destroys any records with the intent to evade a request for access to the records will be guilty of an offense and liable for a fine of not more than \$10,000.00.

To assist staff in this regard, the District will in the near future implement a records management classification system and records retention schedule. The classification system will help the District keep track of where information is stored by providing staff with a common filing system. The retention schedule will give staff detailed direction on storage of records and how different types of records can safely be destroyed.

### **Can parents still take photographs at school concerts, graduations and sporting events?**

Yes. At public events there is an expectation that photographs may be taken and this is not an unreasonable invasion of privacy.

**Can schools celebrate student achievements in the school, such as honour rolls, scholarships, or awards?**

Yes. Achievements can be recognized within schools as part of school life.

**Can elected officials congratulate students on their accomplishments?**

Yes, if the school has obtained consents to release names and addresses of students. Alternatively, elected officials can offer congratulations by including a letter in a grad kit, through the local media, by attending school ceremonies, etc.

**Can the media publicize school events and achievement?**

Yes. School boards can continue to determine and approve how the media participates in school events. Where the privacy of students may be invaded, consent must be obtained. For example, if a news story would identify that a particular student is enrolled in a particular school program, parents should be consulted. If the media is at a public event and wishes to interview a student they must (the media) obtain consent from the student and parents (if the student is underage) to broadcast or publish the interview.

**Can parents find out how their children's marks compare to other students in the class?**

Yes. Class averages may be provided. If required, parents may receive a list of other students' marks that excludes the names of the other students.

**Can parents receive information on the performance of a school?**

Yes. This is not a privacy issue, as the performance of individual students would not be released.

**Can students mark each other's tests?**

Yes. If the teacher feels this activity has an educational benefit, disclosing a test result to one other student would not necessarily be an unreasonable invasion of privacy. Group learning activities may be used in the classroom, and students can learn from critiquing the work of other students. Schools should consider the merits of this practice in the classroom, and use it at the discretion of teachers.

**Can parent volunteers mark student exams?**

Yes. Schools should require volunteers to protect the privacy of the personal information they have access to in the course of performing their volunteer duties. This does not prevent parents from volunteering at the school.

**Can students read their essays aloud in class?**

Yes. If the teacher feels this activity has an educational benefit, there is no barrier to this in the FOIP Act.

**Can students' grades and detentions be posted in the hallway or classroom?**

Not always. Posting students' grades, detentions and their names may be a breach of privacy. The

educational benefits need to be taken into consideration. In a Grade 1 class, a poster with student names and stickers for each book read by a student is entirely appropriate. Posting Math 30 exam results with the students' names in the hallway would be an invasion of privacy. Such marks should be provided in a way that respects privacy.

**Can the names of those owing fees for instructional supplies, materials or transportation be posted in the school?**

No. This would be an invasion of the family's privacy as it may indicate their financial circumstances.

**Can school year books include photographs of students?**

Yes. Parents and students should be advised that class photos and photos of student activities may be used in the yearbook. Those who do not wish to participate should be able to exclude themselves from posed photographs.

**Can schools provide students with photo ids, including birth dates?**

Yes. These identification cards are in the custody of students. This is not a matter of disclosing personal information to other parties by the school, so it is not a breach of privacy.

**Can schools provide students with lists of classmates for the purpose of sending St. Valentine's Day cards?**

Yes. Teachers can provide students with the information they need to send St. Valentine's Day cards to classmates. In most cases, this will only be the first name of classmates. This would not be an unreasonable invasion of privacy.

For more information contact:

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