

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

TIP SHEET FOR TEACHERS

The Freedom of Information and Protection of Privacy (FOIP) Act protects the privacy of individuals while allowing for appropriate sharing of information with the public. This sheet is intended to provide some tips for teachers in working within the framework of the legislation.

- 1) A “record” under the *Act* means a record of information in any form and includes books, documents, drawings, photographs, letters, papers and any other information that is written, photographed, recorded or stored in any manner. This definition is broad enough to include post-it notes, scribbles in the margin of a document, e-mails and notes in journals and diaries.
- 2) “Personal Information” is defined as recorded information about an identifiable individual and includes such things as an individual’s name, address, phone number, ethnicity, religion, age, marital status, any identifying number or symbol, education, employment, medical, psychiatric history and anyone else’s personal opinions about the individual.
- 3) Teachers in carrying out their professional duties have in their possession a great deal of personal information i.e./ class lists, lesson plans, notes concerning individual students, diaries, notes concerning meetings with parents, etc. According to the *Act* personal information must be secured in a safe place so as not to violate the privacy rights of students or parents. Teachers and instructional assistants must make sure that all personal information is secured. For example, individual student marks, telephone lists or cumulative record files should not be left open or unattended on a desk or in the staff room. Common sense should prevail in protecting personal information from the eyes of others. More formal guidelines for the storage of personal information will be provided in the Records Management Classification System, which is presently being developed.
- 4) Use caution and common sense when you create a record. Assume that particularly the person or guardian of the person about whom you are writing may read any record, which you create. Avoid any personal information or opinions, which cannot be supported. As much as possible, stick to the basic facts. Strive to try and capture the essence of communications. Continue to take notes, write comments etc., but do

so in a professional manner and expect to share these with individuals that they relate to.

- 5) Documents that are kept in boxes or private desk drawers are considered records in the custody of the District and can potentially be accessed under the *Act*. It is also important to note that staff will not be able to take or keep records at home in order to avoid disclosing them under the *Act*. Although you cannot do anything about past records that you have created, be sure that as of now you begin to create and store records following FOIP guidelines.
- 6) The *Act* is retroactive in nature. All “old” records that you may be keeping are subject to the *Act*, including records, which were created before the FOIP Act comes into effect for school districts in September, 1998. The District will be instituting a records retention schedule in the near future and once this is in place old records can be destroyed in accordance with it. The general rule under the *Act* is that if an individual’s personal information is used to make a decision that directly affects the individual, that information must be kept for at least one year. There are other retention rules which apply to other records that we create and these rules will be more clearly defined in the future through our formal retention schedule.
- 7) Be aware that an individual is liable to a fine not to exceed \$10,000. for destroying any records subject to the FOIP Act with the intent to evade a request for access to records.
- 8) Be aware that stamping the word “**CONFIDENTIAL**” does not mean that record is not accessible under the *Act*.
- 9) Copies of report cards (elementary) should be kept in a secure file at the school for one (1) year. The reason for this is that the handwritten comments are often more informative than the letter or numerical grades. At the junior and senior high levels, hand written comments are usually not as significant and therefore actual grade marks are acceptable to be recorded in the cumulative record folder or in electronic format.
- 10) Don’t be paranoid about the FOIP Act. Remember that it has 2 basic components. Firstly, public bodies are to be more open to the public with information and secondly, public bodies are to be more diligent in the protection of personal information.

If you have questions or concerns, please see your Principal or call the FOIP
Coordinator's Office (528-6728) or by E-Mail at wdpud@sd76.ab.ca.

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