

What Is the Freedom of Information and Protection of Privacy (FOIP) Act?

The *Freedom of Information and Protection of Privacy Act* is provincial legislation, which was passed in June, 1994. The Act balances two important principles:

- 1. the public's right to access information held by the government and local public bodies; and**
- 2. the need to protect the privacy of individuals.**

When does FOIP come into effect to school districts?

The Act came into effect on October 1, 1995 for the Government of Alberta (i.e. departments, boards, agencies, commissions). It will apply to school districts in **September, 1998**.

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 counselors; 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.

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.



FREEDOM OF INFORMATION & PROTECTION OF PRIVACY

Questions and Answers for School Personnel

MEDICINE HAT SCHOOL DISTRICT NO. 76