



Access to Information Privacy Protection

Local Authority Freedom of Information and Protection of Privacy Act (LAFOIP)

What is LAFOIP?

LAFOIP requires public bodies such as a board of education/school division to:

- Disclose all records it possesses upon request by any member of the public; and
- Protect all confidential, private and personal information.

➤ **DISCLOSURE OF INFORMATION**

What is a record?

A record of information is information in any form; written, photographed, recorded or stored in any manner including computer records.

Does LAFOIP require the school division to create documents?

LAFOIP does not require a division to create records. If a specific record requested does not exist, LAFOIP does not require a division to find the information and create a new record.

What types of records do not have to be disclosed?

All records must be disclosed unless they are specifically exempted under the provisions of LAFOIP. Generally speaking, the following types of records do not have to be disclosed:

- confidential documents from other government agencies;
- documents which might interfere with enforcement of laws;
- confidential documents of the school division;
- advise from officials;
- information which might adversely affect financial interests;
- confidential financial or commercial information concerning a third party;
- testing or auditing procedures if disclosure would prejudice results;
- when disclosure could threaten the safety or health of an individual;
- information subject to solicitor client privilege;
- information protected from disclosure by another statute or regulation.

In addition, personal information about an individual can only be disclosed under certain conditions.

➤ **PROTECTION OF PERSONAL INFORMATION**

What is personal information?

Personal information is any information about an identifiable individual and includes information about

- race, creed, religion, colour, sex, family status, marital status, disability, ancestry, sexual orientation, age, nationality, place of origin;
- education;
- criminal history;
- employment history;
- health history;
- financial activities;



- tax information;
- home address and phone number;
- personal views or opinions of the individual;
- private or confidential correspondence sent to the division;
- views or opinions of another person about the individual;
- the name of the individual if disclosure would reveal personal information.

Virtually everything on a student's file or an employee's file will be considered personal information within the meaning of LAFOIP.

What is not considered to be personal information?

- salaries and benefits of employees;
- personal views given in the course of employment, other than views with respect to another individual;
- financial or other details of a contract for personal services;
- details of a license, permit, membership, etc. granted to an individual;
- details of a discretionary benefit of a financial nature; and/or
- expenses of an individual while on division business.

What about student records?

There is no set definition of a pupil record or cumulative folder for a student. The legislation applies to **all** files on the student, including those kept by individual teachers and other staff such as counselors and consultants. All information on the file would likely be considered personal information and should not be disclosed without permission.

Who has access to the personal records of an employee or student?

People for whose use the information was collected.

Depending on the type of information, this can include central office staff, principals, teachers, office managers, teacher assistants and sometimes volunteers. It can also include other school divisions and agencies authorized by law.

The person to whom the information relates.

The individual can access the record personally and can also give written authorization to third parties, such as lawyers, to have access to the record.

What about students?

Custodial parents or guardians of students who are younger than 18 have the right to access the record if it is not deemed to be an unreasonable invasion of the privacy of the student. The parent of a student who is 18 or older requires the consent of the student to have access to the student's personal information.

Can board or school community council members access student or employee files?

Members of a board of education or school community council have no authority to access student records or employee files unless they are specifically authorized to do so by the board of education for some required purpose of the board.

➤ ACCESSING INFORMATION

How does someone get access to a record?

All applications for disclosure of information must be made to the designated "head" which in Regina Catholic Schools is Stacey Gherasim. The privacy officer/LAFOIP coordinator handles administrative functions associated with the LAFOIP, including processing access requests.



How is an application made?

An application must be in writing; it also should be on the prescribed form, although the school division can waive this requirement if it wishes to do so. The applicant must specify the records with enough detail for them to be identified. If required, the privacy officer/LAFOIP coordinator can request further details.

Can the applicant get a copy of the record?

Yes. The applicant can ask for a copy of any record unless it is unreasonable for the school division to reproduce it.

Is there a fee?

The school division can charge the fees set by the regulations under LAFOIP. This includes a charge for the application, for photocopying, and extra charges if considerable work is required to retrieve the record. Regina Catholic Schools has policies allowing parents, students and staff access to their own personal records at minimal or no cost.

What if the privacy officer/LAFOIP coordinator thinks the record should not be released?

The school division has 30 days to respond in writing to an application. The school division can deny access to the record if the information falls within one of the exemptions under LAFOIP or is personal information of another individual. The onus is on the division to show that the exemption applies.

What if the applicant disagrees with the decision of the division?

If the applicant is dissatisfied with the response of the school division, the applicant can appeal to the Office of the Saskatchewan Information and Privacy Commissioner; the commissioner's ruling can be appealed to the Court of Queen's Bench.

What happens if personal information is released without permission?

Section 56 of LAFOIP provides that anyone who knowingly discloses personal information in contravention of the Act is guilty of a summary offence with a possible fine of up to \$1,000 and/or three months in jail.

Regina Catholic Schools is committed to securing and protecting the personal information of students and staff while nurturing a culture of openness and accountability.

We provide appropriate public access to information as outlined in the Local Authority Freedom of Information and Protection of Privacy Act.

For more information contact:
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