



BCeSIS

Freedom of Information & Protection of Privacy



David Loukidelis – Information & Privacy Commissioner for BC

BCeSIS Introducing FOIPPA



Freedom of Information

- Anyone can ask for anything
- Specific exceptions to disclosure
- All records in custody accessible to public unless exceptions

Protection of Privacy

- Collect only what is needed
- Limit use to purpose for which it was collected
- Disclose only when permitted by the Act
- Protect from unauthorized access
- Provide for safe physical storage of personal information

2 Module 1 FOIPPA Overview

BCeSIS Why is FOIPPA important?


Privacy is an important issue for society in general:

- most western countries have privacy legislation
- public and private legislation in effect in every province
- research shows individuals are very concerned about protection of individual information
- post 9/11 legislation responses brought privacy into direct conflict with security and safety measures

3 Module 1 FOIPPA Overview


BCeSIS Meeting the Challenges

FOIPPA is the foundation on which BCeSIS must be based.




4 Module 1 FOIPPA Overview

BCeSIS FOIPPA and BCeSIS



5 Module 1 FOIPPA Overview

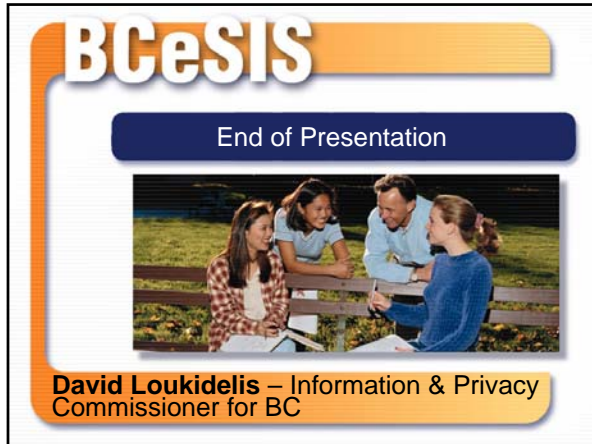
BCeSIS Information & Privacy Commissioner



FOIPPA gives the commissioner broad powers with respect to privacy:


- investigate & attempt to resolve complaints
- issue an order to stop or destroy information
- comment on privacy implications of:
 - proposed legislation
 - automated systems
 - records management practices

6 Module 1 FOIPPA Overview



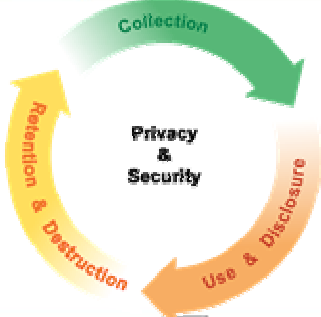
BCeSIS

BCeSIS FOIPPA Overview




Lorraine Dixon – Privacy Consultant

BCeSIS Topics Covered



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BCeSIS Consider this Scenario



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BCeSIS Background to FOIPPA

- FOIPPA came into effect in 1993

- Widely acknowledged to be the best Freedom of Information legislation in Canada

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BCeSIS Purpose of FOIPPA

- Regulates the collection, use, disclosure, retention & security of all personal information by public bodies
 - Regardless of how the information is recorded
 - All recorded information about an identifiable individual
- Ministry of Education & all school boards are public bodies under the Act
- Two fold purpose:
 - Access to Information
 - Protection of Privacy

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BCeSIS FOIPPA- 5 Key Principles

- Rights of Access to Information
- Protection of Individual Privacy
- Access to Own Personal Information
- Correction of Own Personal Information
- Independent Review by Information & Privacy Commissioner

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BCeSIS FOIPPA & other Legislation

The diagram shows two levels of privacy legislation. The top level is 'Federal Privacy Legislation' with three icons representing the Access to Information Act, the Privacy Act, and the Personal Information Protection and Electronic Documents Act. The bottom level is 'Provincial Privacy Legislation' with three icons representing the Freedom of Information Act, the Access to Information Act, and the Personal Information Protection Act. Arrows from both levels point to a box labeled 'School Board Activities'.

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BCeSIS Collection of Personal Information

The diagram is a circular flow chart centered on 'Privacy & Security'. It consists of three main stages: 'Collection' (top, green arrow), 'Use & Disclosure' (bottom right, orange arrow), and 'Retention & Destruction' (bottom left, yellow arrow). A dashed line encircles the 'Collection' stage.

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BCeSIS What is Personal Information?

The diagram features a central illustration of a young girl with orange hair, wearing a blue jacket and a yellow skirt. Ten arrows radiate from her, pointing to different categories of personal information: Birth Date, Home Address, Name, P.E.N., Siblings, Parents, Fees & Financial Assistance, Medical Information, Marks, and Transportation. 'Homeroom & Staff Assignments' is also listed but has no arrow pointing to it.

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BCeSIS Purposes

Personal information may only be collected if:

- 1. Authorized by legislation**
- 2. Necessary for law enforcement**
- 3. Necessary for the operation of a program**

! This means you must only collect the information you need

10 Module **1** FOIPPA Overview

BCeSIS What has Changed?

- Privacy responsibilities are nothing new to School Districts
 - FOIPPA has been in effect since 1994
- BCeSIS controls some collection practices
 - e.g. Ethnicity Field is visible but not usable

11 Module **1** FOIPPA Overview


BCeSIS Collecting Personal Information

- Directly from the individual unless another method is authorized
- May collect information from other sources if:
 - for the purpose of determining suitability for an honour or award
- Must provide a notification of the purpose of collection

12 Module **1** FOIPPA Overview

BCeSIS Creating Records

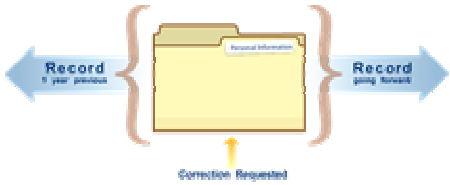
- Any information that is entered into BCeSIS is considered a "Record"
- BCeSIS Notes:
 - Write as though they could be published in tomorrow's newspaper
- Remember emails are considered records
- Make sure information captured is accurate



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BCeSIS Right to Request Correction

- Individuals can request a correction to personal information



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BCeSIS Privacy Principles

- Collect personal information only when it is essential for program delivery
- Limit use of information for the purpose for which it was collected
 - or for a consistent purpose
- Disclose only when permitted

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BCeSIS Privacy Principles - Implications

✓ Review current collection practices on a regular basis:

- determine if all of the information currently collected is still needed
- see if it is necessary to have paper files

✗ Don't automate "bad" practices

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BCeSIS Use of Personal Information

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BCeSIS Use of Personal Information

Personal information may only be used for:

- the stated purpose for which it was collected
- a consistent purpose
- A different purpose needs consent of the individual

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BCeSIS Limitations on Use

- Personal Information should only be shared on a “need to know” basis
 - What do people really NEED to know vs. what would they LIKE to know
- District Responsibilities:
 - Apply security roles to individual users
 - Monitor application of security roles
 - Conduct real time audits
 - Create a district policy regarding access to information

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BCeSIS Disclosure

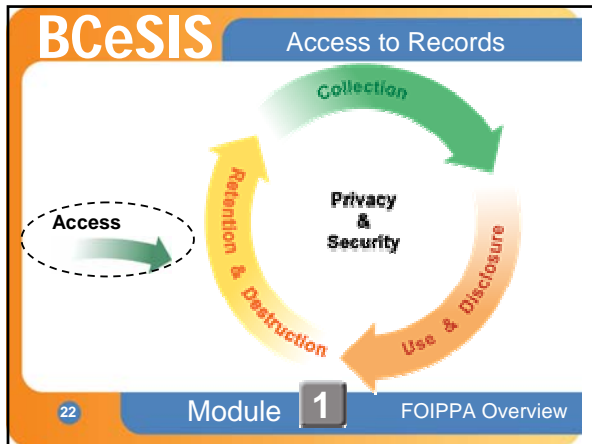
- Obligated **NOT** to disclose information except:
 - For the purpose for which it was collected
 - For a consistent purpose
 - With the consent of the individual
 - Where disclosure is permitted under the legislation (i.e. law enforcement)
 - For research
 - Need a research agreement

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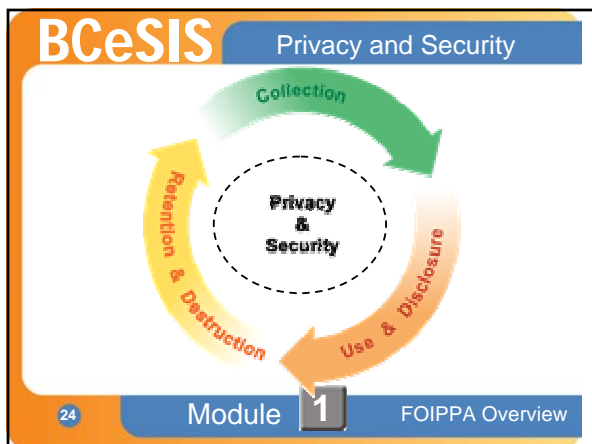
BCeSIS Limitations on Disclosure

- Disclosure of personal Information is only allowed under stipulated conditions
 - Important to ensure no detrimental consequence for the individual
- First verify authority for a disclosure

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- The slide is titled "BCeSIS Access to Records". It contains a list of four bullet points: "• Release unless an exception in the Act allows information to be withheld", "• FOIPPA - Act of last resort", "• School settings continue to make information available as you did before", and "• Requesting information does not automatically mean it will be granted". A blue header bar at the top contains "BCeSIS" and "Access to Records". A blue footer bar at the bottom contains "23", "Module 1", and "FOIPPA Overview".




BCeSIS Protection of Information

- Must make reasonable security arrangements to protect the personal information in BCeSIS
- Security measures must be consistent with the sensitivity of the information:
 - Medical, legal & financial information is more "sensitive" and should be treated accordingly

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BCeSIS Security Measures

- Computer screens should not be visible to the public
- Use the LOCK function
- Restrict access to information
- Train on "dummy data"



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BCeSIS LOCK Function



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BCeSIS Retention & Destruction

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BCeSIS Keeping Records

- Retain records containing information only:
 - for the period authorized by existing legislation or policy and then destroy them
- If personal information is used to make a decision that directly affects an individual
 - The public body must retain that information for at least one year

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BCeSIS Destruction of Information

- The *Document Disposal Act* and *School Act* govern
 - destruction of personal information by schools
- Under current legislation the Permanent School Record must be retained for 55 years

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BCeSIS Meeting the Challenges

- BCeSIS project spent a good deal of time & effort ensuring privacy issues are dealt with
- Each District will be responsible for developing their own Privacy Plan
 - Website will provide guidance and best practices
- Training (you are listening to it now!) has been developed

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BCeSIS Summary

- FOIPPA provides an excellent framework for the protection of individual student information
- To maintain public confidence in BCeSIS it is important that all users :
 - understand the importance of privacy and security issues
 - work to ensure compliance with the safeguards
- We know that the public is worried about privacy, government surveillance and large databases
- It is vital that all users act as privacy advocates for the personal information in the system

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BCeSIS


End of Presentation



Lorraine Dixon – Privacy Consultant

BCeSIS

BCeSIS FOIPPA Q & A



Allan Carlson – Manager, Privacy Assessment and Information Access, Ministry of Education

BCeSIS FOIPPA Question and Answer

Should schools keep copies of birth certificates ?

2 Module 1 Q&A ?

BCeSIS FOIPPA Question and Answer


Should schools keep copies of birth certificates ?

- This is a District policy
- Ministry does not require districts to retain copies of certificates
- Districts must be able to produce documentation to authenticate identity and birth date if required

3 Module 1 Q&A ?

BCeSIS FOIPPA Question and Answer


Does a consent to release of information need to signed annually?

4 Module **1** Q&A 

BCeSIS FOIPPA Question and Answer


Does a consent to release of information need to signed annually?

- This is a District decision
- Best privacy practices dictate districts should notify parents annually of all uses of personal information

5 Module **1** Q&A 

BCeSIS FOIPPA Question and Answer


At what age can students determine what information is shared?

6 Module **1** Q&A 

BCeSIS FOIPPA Question and Answer


At what age can students determine what information is shared?

- FOIPPA does not define an answer to this question
- These questions are handled on a case by case considering such factors as age and level of competency

7 Module 1 Q&A 

BCeSIS FOIPPA Question and Answer


Can schools disclose information without parent/guardian consent if required by police or another agency to investigate or provide service?

8 Module 1 Q&A 

BCeSIS FOIPPA Question and Answer


Can schools disclose information without parent/guardian consent if required by police or another agency to investigate or provide service?

- Yes, in accordance with section 33 of FOIPPA
- Obtain written request, on agency letterhead citing authority to collect the information
- Disclose only minimum info necessary

9 Module 1 Q&A 

BCeSIS FOIPPA Question and Answer


Where is the data stored and what access does the Ministry have to the data in the database?

10 Module **1** Q&A 

BCeSIS FOIPPA Question and Answer


Where is the data stored and what access does the Ministry have to the data in the database?

- Active data stored in a top-security data center in the lower mainland, backups stored in separate secure facilities
- Ministry cannot browse or view any data, but is provided data extracts of legislated information

11 Module **1** Q&A 

BCeSIS FOIPPA Question and Answer

Where should people go for more information?

12 Module **1** Q&A 

BCeSIS For more Information....

For further information, contact:

Allan Carlson
EDUC.InformationPrivacy@gems8.gov.bc.ca


(250) 356 7508

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End of Question and Answer



Allan Carlson
