



ANGLOPHONE WEST SCHOOL DISTRICT

**POLICY NO. ASD-W-801-1**

**PRIVACY POLICY**

**Category:** Data, IT, and Records Management **Effective:** September 2022

**Policy Statement**

As outlined in the New Brunswick Education Act, the Anglophone West School District (ASD-W) has legislated responsibilities towards organizing and delivering educational programs and services to children and youth within their jurisdiction. The district also partners with other government, community agencies, and volunteer groups that help support social, psychological, and health services to children.

Integral to the effective and efficient operation of the school district, and critical for the planning and delivery of education curriculum and support services, is the collection of information and personal data of all those operating within the school community including students, parents/guardians, employees, support staff, and volunteers. This personal information at times is required to be used and shared in a professional manner when needed to carry out the roles and responsibilities as described in the [Education Act](#).

In carrying out the duties outlined in the Education Act, there is an expectation that all personnel in Anglophone School District West will ensure that the individual's privacy is protected, at all times. Personal information gathered by the school district must receive prior consent from the individual or parent/guardian when dealing with their children and its use be clearly stated when that consent is given.

This policy applies to all "school personnel" ([Ed. Act Sect. 1](#).) in Anglophone West School District involved in the delivery and support of educational programs and services within its jurisdiction with the understanding that they may also be involved in the collection, storage, access, use, disclosure, retention, or disposition of personal information during the course of their activities.

All school district personnel ([Ed. Act Sect. 1](#)) are responsible for the management of Personal Information/Personal Health Information in their care, custody, and control. This responsibility extends to the disclosure or transfer of information for any purpose to a third party.

Specific information protocols and guidelines may be found in other legislation, Provincial and District Policy and Guidelines.

**Purpose**

The purpose of this policy is to ensure there is an awareness, understanding, and compliance with applicable privacy policies, legislation, regulations, and guidelines by all personnel in ASD-W and the school community.

**Definitions**

**INDIVIDUAL** includes a student of the NB Public Education System, or a member of the School Personnel as defined in the NB Education Act.

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**INDIVIDUAL ACCESS** any individual is entitled to access or review corrections to their personnel or personal health information that is in the care and control of ASD-W and within the limitations outlined in the [Education Act](#), and Right to Information Legislation. (409)

**PERSONAL HEALTH INFORMATION** is identifying information about an individual which pertains to health care including information about physical or mental health and support of health care services within the school.

**PERSONAL INFORMATION** refers to recorded information about an identifiable individual in any form. Examples of the form or medium in which the information may be recorded include images, audio recordings, and text whether in digital or hard copy as described in the [RTIPPA](#) or [PHIPPA](#).

**PERSONAL HEALTH INFORMATION PRIVACY and ACCESS ACT (PHIPAA)** provides a set of rules that protects the confidentiality of personal health information and the privacy of the information to whom that information relates. At the same time, the Act ensures that information is available, as needed, to provide health services to those in need and to monitor, evaluate and improve the health system in New Brunswick.

**PRIVACY BREACH** occurs when there is unauthorized access, use, disclosure, or disposal of personal information in the care and control of ASD-W.

**PRIVACY MANAGEMENT** refers to all administrative and operational activities that are carried out by school district personnel involved in the collection, storage, use, disclosure, retention, or disposition of personnel and personal health information. Professional management standards ensure that data is accurate, complete, and is stored in a secure manner as described in District Policy.

**RIGHT TO INFORMATION and PROTECTION OF PRIVACY ACT (RTIPPA)**

- a) to allow any person a right of access to records in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act
- b) to control the manner in which public bodies may collect personal information from individuals and to protect individuals against unauthorized use or disclosure of personal information by public bodies
- c) to allow individuals a right of access to records containing personal information about themselves in the custody or under the control of public bodies, subject to the limited and specific exceptions set out in this Act
- d) to allow individuals a right to request corrections to records containing personal information about themselves in the custody or under the control of public bodies and
- e) to provide for an independent review of the decisions of public bodies under this Act.

**SCHOOL PERSONNEL**

- a) superintendents, directors of education, and other administrative and supervisory personnel,
- b) school bus drivers,



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- c) building maintenance personnel, including custodians,
- d) administrative assistants, clerks, and librarians,
- e) teachers,
- f) persons other than teachers engaged to assist in the delivery of programs and services to pupils, including volunteers, and
- g) other persons engaged in support areas such as social services, health services, psychology, and guidance.

### Procedures

School district administration along with School Principals will ensure that all personnel are aware of their role and legal responsibilities of maintaining the privacy and confidentiality of Personal Information/Personal Health Information as described in Provincial legislation and Policies.

The information and standards outlined in this policy will be part of the yearly review process outlined in PROFESSIONAL CONDUCT ([Policy No. ASD-W- 250-16.](#)) with and formally acknowledged by all school district personnel.

School district administration and/or immediate supervisors will be responsible for monitoring compliance with this Policy.

### COLLECTION, USE, AND STORAGE OF PERSONNEL DATA

School district personnel shall limit the collection of Personal Information/Personal Health Information to that which is necessary for the administration and delivery of programs, services and activities authorized within the [Education Act](#).

Personal Information/Personal Health Information will be securely maintained and accessible only by employees that require access to the information for the purpose of carrying out a program or service.

Access to Pupil Records is limited to the provisions outlined in [Section 54 of the Education Act](#).

Personnel Records are also considered confidential and fall under the parameters outlined in [RTIPPA](#).

A further description of expectations and standards of the collection, use, and storage of information defined in [RTIPPA](#) can be found in ASD-W Policies.

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Any suspected or actual privacy breach must be reported to the school district administration and follow the breach protocol found in [Appendix A](#). The school district administration will fill out the Privacy Breach Incident Report found in [Appendix B](#) in consultation with the employee(s) involved and other relevant staff as necessary.

**References**

- [Education Act](#)
- [Personal Health Information and Access Act](#)
- [Right to Information and Protection of Privacy Act](#)
- [EECD Policies and Regulations](#)
- Applications for Job Vacancies: [Policy No. ASD-W-250-5](#)
- Professional Conduct: [Policy No. ASD-W-250-16](#)
- Access to Personnel Records: [Policy No. ASD-W-250-21](#)
- Parental Concerns: [Policy No. ASD-W-250-22](#)
- Email Use - Staff: [Policy No. ASD-W-311-1](#)
- Inclusive Education: Accessing Educational Support Services: [Policy No. ASD-W-350-3](#)
- Volunteers: [Policy No. ASD-W-360-1](#)
- Appeal Process: [Policy No. ASD-W-360-2](#)
- Student Photographs: [Policy No. ASD-W-360-7](#)
- Student Discipline-Out of School Suspension: [Policy No. ASD-W-703-8](#)
- Student Violence Threat Risk Assessment: [Policy No. ASD-W-703-10](#)
- [Guidelines for the Care of New Brunswick Student Records](#)

**Appendices**

- [ASD-W 801-1A - Privacy Breach Protocol](#)
- [ASD-W 801-1B - Privacy Breach Incident Report](#)