



FREEDOM OF INFORMATION REQUEST PROTOCOL

Responsibility:	Director of Education Freedom of Information, Privacy and Records Information Management Officer
Legal References:	<i>Municipal Freedom of Information and Protection of Privacy Act</i> <i>Personal Health Information Protection Act</i>
Related References:	Board Policy 1014 - Privacy Protection and Access to Information Board Policy 1015 - Records Information Management <i>Administrative Procedure 1100 - Privacy Protection and Access to Information</i> <i>Administrative Procedure 1110 - Records Information Management</i> <i>Administrative Procedure 4060 - Board E-Mail Protocol</i>
Revisions:	August 2020
Reviewed:	March 2016

1. Preamble

- 1.1 The Ontario government's *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* sets out requirements for municipal government institutions to follow in order to provide a right of access and a right of correction to recorded information under their custody or control and to protect personal information about individuals held by those institutions.

2. General

There are two basic types of requests made under Ontario's Freedom of Information legislation:

- for personal information about an individual held by the institution;
- for general information held by the institution.

3. Definitions

Personal Information means recorded information about an identifiable individual, including,

- A. information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status of the individual,
- B. information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- C. any identifying number, symbol or other particular assigned to the individual,
- D. the address, telephone number, fingerprints or blood type of the individual,
- E. the personal opinions or views of the individual except if they relate to another individual,
- F. correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- G. the views or opinions of another individual about the individual, and
- H. the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Record means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- A. correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- B. subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

4. Requests for Personal Information

- 4.1 Staff may release information such as Ontario Student Record information to the person to whom it relates or to their parent/guardian in accordance with the Education Act.
- 4.2 All other requests for access to personal information received by staff shall be referred to the appropriate supervisor and to the Freedom of Information, Privacy and Records Information Management Officer.
- 4.3 Requestors will be asked to complete a [FOI Request Form](#) and submit the \$5.00 application fee to the Waterloo Region District School Board to start the processing of an FOI request.
- 4.4 The Freedom of Information, Privacy and Records Information Management Officer will receive, review and process the request for personal information, in accordance with current privacy legislation. The Freedom of Information, Privacy and Records Information Management Officer will work with the requester to define the scope of the information request, if required.
- 4.5 Where necessary in order to fulfill the request for information, the Freedom of Information, Privacy and Records Information Management Officer may request the assistance of other Board staff in order to obtain required records. Staff receiving such a request for information shall comply fully and quickly to satisfy the request. The Freedom of Information, Privacy and Records Information Management Officer shall ensure that all appropriate notifications to supervisory staff of the required assistance of their staff shall occur in a timely manner.
- 4.6 If requested, the Freedom of Information, Privacy and Records Information Management Officer may be required to search Board emails for personal information about the requestor. If this occurs, the sender, recipient and other named parties in the email(s) will receive notification as per Administrative Procedure 4060 - Board E-Mail Protocol.
- 4.7 The Freedom of Information, Privacy and Records Information Management Officer will review each document collected during the search for respondent records and determine if an exemption to full or partial disclosure can be made under the appropriate *Act*. If a portion of a document is withheld, the requester will receive a "severed" version of the original document.
- 4.8 The Freedom of Information, Privacy and Records Information Management Officer will represent the Board on any appeals generated as a result of the access request.
- 4.9 Any privacy complaints shall be referred immediately to the Freedom of Information, Privacy and Records Information Management Officer.

5. Requests for General Information

- 5.1 Persons wishing to see general information held by the Board must make a formal request to access the information.

- 5.2 Staff may release **general information that does not identify individuals** in accordance with MFIPPA (e.g. the number of students in your school). Other requests for access to information received by staff shall be referred to the appropriate supervisor and to the Freedom of Information, Privacy and Records Information Management Officer.
- 5.3 The Freedom of Information, Privacy and Records Information Management Officer will receive, review and process the request for general information, in accordance with current privacy legislation. The Freedom of Information, Privacy and Records Information Management Officer will work with the requester to define the scope of the information request, if required.
- 5.4 Where necessary in order to fulfill the request for information, the Freedom of Information, Privacy and Records Information Management Officer may request the assistance of other Board staff in order to obtain required records. Staff receiving such a request for information shall comply fully and quickly to satisfy the request. The Freedom of Information, Privacy and Records Information Management Officer shall ensure that all appropriate notifications to supervisory staff of the required assistance of their staff shall occur in a timely manner.
- 5.5 If requested, the Freedom of Information, Privacy and Records Information Management Officer may be required to search Board emails. If this occurs, the sender, recipient and other named parties in the email(s) will receive notification as per Administrative Procedure 4060 (Board E-Mail Protocol).
- 5.6 The Freedom of Information, Privacy and Records Information Management Officer will review each document collected during the search for respondent records and determine if an exemption to full or partial disclosure can be made under the appropriate *Act*. If a portion of a document is withheld, the requester will receive a “severed” version of the original document.
- 5.7 The Freedom of Information, Privacy and Records Information Management Officer will represent the Board on any appeals generated as a result of the access request.

6. Legal Hold

In response to a Freedom of Information, or other request, it may be necessary to place documents on “legal hold” until the request is resolved. A legal hold (also known as a litigation hold) is a notification sent from an organization's designated staff, including the Freedom of Information, Privacy and Records Information Management Officer, to employees instructing them not to delete electronically stored information (ESI) or discard paper documents that may be relevant to a new or imminent legal case

Once a request for information is made, the legal hold also extends to any future correspondence about the information/request. Upon resolution of the request for information, staff will be informed that the legal hold may be removed. At this point, normal records retention practices apply.