

FIPPA

BC's Freedom of Information and Protection of Privacy Act

and the Role of the Principal

Principals and Vice-Principals deal with written records in the normal course of their everyday work.

They create written records: emails to staff and parents, text messages, minutes of meetings, notes about phone conversations and newsletters and reports.

They receive and handle documents from their School Districts, medical professionals, staff, parents and other inter-agency organizations.

by
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Alongside the responsibility of organizing those records, Principals and Vice-Principals bear a huge responsibility for ensuring the privacy of documents in their possession.

BC's Freedom of Information and Protection of Privacy Act (FIPPA or FOIPOP) was put into legislation in 1992. FIPPA sets out two competing objectives. The first concerns access whereby citizens have the right, through freedom of information, to access their own personal records that remain in the custody or control of a 'public body'. Secondly, FIPPA has outlined in legislation measures to protect the privacy of information held in the custody or control of a public body.

As School Districts are a 'public body', records created within and for the School District must be protected under FIPPA legislation, but are also subject to disclosure upon request. In addition to establishing an individual's right to access records, FIPPA also sets out the terms under which a public body can collect, use and disclose the personal information of individuals.

When sensitive information is not adequately protected, a privacy breach may occur. We have all heard about – and likely experienced – situations in which personal information has been exposed when an organization's security system was breached. When this occurs within

a school system, such as when personal information about a child or family is shared without consent, School Districts must inform the Office of the Privacy Commissioner and an investigation into the breach of privacy is conducted. This is serious, and can be an onerous task for the school administrator and the School District.

So: how do Principals and Vice-Principals ensure that they are 'FIPPA-compliant' and avoid putting their District at risk? There are ways in which Principals and Vice-Principals can minimize the likelihood of a FIPPA concern, as well as ways to ensure their compliance if records should be requested. The following tips address some questions that members have asked regarding FIPPA and their work.

What records are subject to disclosure?

- Any record you create in the course of your employment, no matter where you create the record. Even emails created on personal email accounts that are used for work reasons may be subject to disclosure
- Personal information about someone that is contained in documents and/or files. If a parent requests all documents relating to them or their children, that may include information in confidential files
- Texts and voicemail messages
- Personal notes and working papers
- Calendar, agenda and diary entries
- Documents you keep at home, if related to work, may be subject to disclosure
- Non-School District business created on personal work emails are not accessible. This could include your personal medical appointments that might be on your work calendar: this is your personal information and therefore not subject to someone else's request. However, District staff or lawyers who are responsible for the redaction of your personal information before your records are disclosed will be able to see your calendar. So, if you want to ensure privacy, you may consider not putting personal appointments on your work calendar.

Should I stop writing things down to avoid a potential issue with FIPPA?

It is very important to document our work. To ensure compliance with FIPPA regulations, we can consider the kinds of records we are creating in our work:

- Keep in mind that every record you create in your workplace is potentially accessible under the FIPPA.
- Record-keeping is important. When you have meetings with parents or staff, it is a good idea to follow up with a record of that meeting (via email, for example) to ensure clarity and transparency. It is what is included in that record that matters: stick to facts. Do not include personal commentary, opinion or remarks. Even in your personal notes, leave out the commentary.
- If you don't need to create a record, don't!
- Be mindful of email: keep content clear and concise, and limit your audience. Avoid hitting 'reply all'. And, if sending to a group of people using non-School District email accounts, use the 'BCC' line so that their email addresses are kept confidential, and they cannot 'reply all'.
- Be very careful with confidential documents that you may have on your computer. Ensure documents (like scanned records) are accurately labelled to avoid mixing up documents in error.
- Marking emails or documents 'sensitive' or 'confidential' can help in the case of a FIPPA request. "Confidential" records are not necessarily inaccessible under FIPPA, but it may help establish that the document was meant to be confidential.
- Don't promise confidentiality to others. You cannot control other people's requests for documents you may have created, so you cannot assure confidentiality.

What do I do when someone makes a FIPPA request?

- Individuals are entitled to their own 'personal information', including you.

- If someone makes a written request for information, it will be done at the District level, not to you personally.
- Someone in your District will contact you and ask for all records pertaining to the person. You are obligated by legislation to turn over all records to the District: emails, notes, phone records, and anything else you may have.
- The 'duty to assist' means that your efforts in searching for records and processing access to information requests should facilitate (and not frustrate) access. It can be tedious, laborious work, but you cannot hide or try to delete documents.
- The School District employee who deals with school protection and FIPPA will explain the process to you. As you are also entitled to have your own personal information protected, it is likely that the information gathered will go through a 'redaction' process where any reference to you or your personal information is taken out for your protection.

What if I have a privacy breach at my school?

- If confidential information is shared without consent, it is your duty to report the breach to your School District as soon as you discover the breach. The person whose role it is to manage School Protection will contact the Office of the Privacy Commissioner and may launch an investigation.
- Depending upon the type and scope of breach, different actions will be taken but usually all affected individuals will be notified about their information being shared.
- If you are the cause of the breach, you may find yourself and your actions under investigation. Contact the Association for support in this matter.

www.oipc.bc.ca/resources/guidance-documents/
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