

COLLECTION, MANAGEMENT, SECURITY OF AND ACCESS TO INFORMATION RECORDS

PREAMBLE

The management of information required by due process, legislation or regulation is an important consideration for administrators and staff of the Burnaby School District. On November 3, 1994 the Provincial Government extended coverage under the Freedom of Information and Protection of Privacy Act to "local public bodies", including schools and school boards. The Board recognizes its responsibility to ensure compliance with the Act, including:

- i. Giving the public a right of access to records;
- ii. Giving individuals a right of access to, and a right to request correction of, personal information about themselves;
- iii. Specifying limited exceptions to the right of access;
- iv. Preventing the unauthorized collection, use or disclosure of personal information by public bodies; and
- v. Providing for an independent review of decisions made under this act.

POLICY

THE BURNABY SCHOOL BOARD RECOGNIZES ITS RESPONSIBILITIES IN COLLECTING INFORMATION, PROVIDING ACCESS TO INFORMATION WHILE PROTECTING PRIVACY WITHIN THE SCOPE OF THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA) AND OTHER RELEVANT LEGISLATION. THE BOARD WILL RESPOND TO ORAL AND WRITTEN REQUESTS FOR INFORMATION ON AN INFORMAL AND VOLUNTARY BASIS, AND WILL RESPOND TO FORMAL REQUESTS FOR INFORMATION UNDER FIPPA, PROVIDING INFORMATION WHERE APPROPRIATE WHILE TAKING THE NECESSARY MEASURES TO ENSURE PRIVACY.

OBJECTIVES

1. To clarify the Board's position regarding collection, management, access to and security of information under its control in compliance with the Act (FIPPA) and other relevant legislation.
2. To provide governing and administrative authority for administrative staff of the Board to ensure compliance with the Act (FIPPA).

3. To provide for continued informal and voluntary access to information held by the Board and to implement a formal process to provide information which may not be available through other avenues while specifying limited exceptions to that right to access under the Act (FIPPA).

REGULATIONS

GOVERNING AND ADMINISTRATIVE AUTHORITY

1. The Burnaby School Board passed resolutions designating administrative staff who will ensure compliance with the Act in accordance with guidelines and regulations provided by the Ministry of Government Services.
2. The Board designates the Secretary-Treasurer as the official "Head" of the School District for the purposes of the Act.
3. The Board designates the Assistant/Deputy Secretary-Treasurer as the Freedom of Information Co-ordinator, responsible for the administration of the Act.

INTERNAL FORMAL PROCESS

1. The extension of the Freedom of Information and Protection of Privacy Act (FIPPA) to "local public bodies" including schools and school boards, requires the Board to establish an administrative framework to bring existing systems into compliance with the Act.
2. Provide a formal process for managing written applications for information held by the Board made under the Act.
 - a. All written applications for information made under the Act will be directed to the Freedom of Information Co-ordinator's attention for registration, tracking, decision and correspondence.
 - b. Decisions to grant complete or partial access, or deny a request, will be made by the designated official "head" in consultation with the "Co-ordinator" guided by the relevant sections of the Act and the time frame specified.
 - c. In the event that a response to an application cannot be completed within the time frame, a written notice of extension will be drafted setting out
 - i. The length of the extension;
 - ii. The reason(s) for the delay;
 - iii. The right of appeal to the FIPPA Commissioner.
 - d. A log will be kept by the Freedom of Information Co-ordinator to track formal access requests for information under the Act. The number of formal requests made under the Act by any individual may be limited as such action should normally be the avenue of last resort for those requesting information held by the Board.
 - e. The log will include an identification number for each request; pertinent contact information; request and receipt dates; type of information requested, i.e. general or personal; date response is due; extension information and new due date as required; copies of all correspondence; copies of appeals and appeal results. vi. Notification requirements will include acknowledgement of requests for access under the Act; requests for clarification; requests for extension of response; notice to third parties as required; approval or denial of access; notice of partial access;

notice of fee changes estimate.

3. Any disputes between the Freedom of Information Co-ordinator and other departments will be forwarded to the designated "Head" for resolution.

EXTERNAL FORMAL PROCESS

1. The collection, security, management and access regarding information records will comply with the intent of the Act (FIPPA).
2. The Freedom of Information Co-ordinator will, to the best of their abilities and knowledge, ensure the accuracy of that information, its use and seek to maintain confidentiality of personal information.
3. Acknowledgement letter – The Freedom of Information Co-ordinator will prepare an acknowledgement letter detailing the date received and a short description of the information requested, the identity or registration number assigned to the request and pertinent details of the person at the Board responsible for handling the request.
4. Clarification of Access Request – When the request for information requires clarification the Coordinator will contact the requester by letter or telephone detailing the date of receipt of the request, the identity or registration number assigned to the request, the specific information required.
5. Notification of Time Extension – As permitted under Section 10 of the Act (FIPPA), the Coordinator will contact the requester by letter detailing the reason for the delay, the additional time required, the new due date for a response and the right of appeal to the FIPPA Commissioner to review the extension.
6. Notification of Transfer of Request to another institution – When the information requested is not available through the Board under Section 11 of the Act, the Co-ordinator will write to the requester detailing the original request and the name of the institution to which the request has been transferred.
7. Approval of Access Request or Approval of Partial Access Request – When the request for information has been approved, the Co-ordinator will write to the requester detailing where, when and how access will be accorded.
8. Denial of Access – When the request for information has been denied, the Co-ordinator will write to the requester detailing the reasons why under the Act the Board is not able to disclose the information requested and the right of appeal to the FIPPA Commissioner for a review of the decision.

FEES

1. Fees charged by the Board for information provided under the Act (FIPPA) will follow the schedule of maximum fees outlined in the FIPPA Policy and Procedures Manual.

2. Decisions to charge fees for services for formal requests made under Part 2, Section 5 of the Act will depend on the type of request and the cost of providing the information.
3. An estimate of fee costs will be provided by the Co-ordinator to the requester prior to performing the service.
4. Applicants who seek access to their own personal information will NOT be charged a fee.
5. Fees set by Regulations under the Act may be charged for a formal request under the following circumstances:
 - a. Locating, retrieving and producing records;
 - b. Preparing the record for disclosure;
 - c. Shipping and handling the record; and
 - d. Providing a copy of the record.

Fees may involve hourly charges for staff time and charges for computer time.

6. Fee charges will not apply to:
 - a. The first three (3) hours spent locating and retrieving records;
 - b. Time spent severing information from the record;
 - c. Time spent reviewing the formal request to determine whether an exception applies; and
 - d. Time spent to determine whether to sever a part of the record.
7. Fee charges may be waived by the Secretary-Treasurer as designated "Head".

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Date Adopted: 1995-04
Date(s) Revised: 2016-01

Cross References: Freedom of Information
and Protection of Privacy Act
Statutory:
Other: