

Living Sky School Division No. 202

Administrative Procedure (AP) Manual



Procedure Name: Records Collection, Access, and Privacy			
Procedure Type:	Human Resources	Implementation Date:	NOV 10, 2010
Procedure Number:	5.38	Last Revision Date:	MAY 25, 2026
AP Owner:	Privacy Officer	Last Review Date:	MAY 25, 2026
Legal Reference(s):	<i>Local Authority Freedom of Information and Protection of Privacy Act, 1990</i> <i>The Education Act, 1995, s. 85, 231</i>		

Background

As a local authority, Living Sky School Division (LSKYSD) collects and uses personal information of students, families, employees, trustees, volunteers, contractors, and third parties in order to perform its duties as outlined by *The Education Act, 1995*. LSKYSD recognizes its duty to protect the personal information it collects from breaches in accordance with the *Local Authority Freedom of Information and Protection of Privacy Act, 1990* (LAFOIP). LSKYSD also recognizes its obligations with regard to the right of individuals and the public to access information, as well as its obligations to protect information from unauthorized access under LAFOIP.

LSKYSD affirms the “Need-to-Know Principle” and the “Data Minimization Principle” that the Saskatchewan Office of the Information and Privacy Commissioner (OIPC) indicates as underlying Part IV of LAFOIP regarding the collection, use, storage, disclosure, retention, and disposal of personal information.

Scope

This procedure applies to the collection, use, and disclosure of personal information in the possession of LSKYSD and its employees, trustees, volunteers, and contractors. Personal information may belong to students, families, employees, trustees, volunteers, contractors, or third-parties.

Definitions

Access Requests are requests to access records by individuals, third-party organizations, or members of the public.

An **authorized individual** is a person or entity that is authorized to access personal information and records. Authorization occurs through legislation or agreements with other agencies where legislation allows. Individuals are automatically authorized to access their own personal information. Parents/guardians who have decision-making authority over students are authorized to access the personal information of the students.

The **Data Minimization Principle** states that an organization should always collect, use, and disclose the least amount of personal information necessary for the purpose in which it was intended.

Individuals means individual persons, including students, parent/guardians, employees, trustees, volunteers, contractors.

The **Need-to-Know Principle** states that personal information should only be available to those employees in an organization that have a clear and legitimate need to know that information for the purpose of delivering their mandated services.



A **parent** is a person with decision-making authority over a student, regardless of whether they are the biological parent of the student.

Personally Identifiable Information (PII) or **personal information** is information about an individual recorded in any form. PII is information that is personal to the individual as opposed to information generated as part of the work they do. A complete list is contained in section 23 of the *Local Authority Freedom of Information and Protection of Privacy Act, 1990 (LAFOIP Act)*.

A **privacy breach** is the unauthorized collection, access, use, disclosure, or disposal of personal information. This may occur because unauthorized individuals have had contact with the information or because personal information was handled in an unauthorized manner.

Records are information about individuals that may contain personal information. Records may be physical or electronic. Records may be accessed by individuals or the public under *LAFOIP* unless otherwise exempted.

Transitory records are temporary records with short-term usefulness that are not required to be retained in files. Examples include sticky notes, phone messages, and drafts.

Roles & Responsibilities

Director of Education

- acts as the head of LSKYSD for the purposes of compliance with *LAFOIP*
- designates day-to-day duties to the Privacy Officer

Privacy Officer

- performs day-to-day duties regarding record collection, access, and privacy
- advises on questions of record collection, access, and privacy, including informal access requests
- coordinates and leads formal access requests
- develops procedures, protocols, and forms regarding record collection, access, and privacy
- facilitates education and training regarding record collection, access, and privacy

Principals

- ensure compliance with procedures and protocols regarding record collection, access, and privacy at their schools
- manage access to records at schools
- coordinate and lead informal access requests made to schools for student records

Specialists

- ensure compliance with procedures and protocols regarding record collection, access, and privacy in their services areas
- manage access to records at Central Services
- coordinate and lead informal access requests made to Central Services

Superintendents and Service Leads

- support principals and specialists in implementing compliance with procedures and protocols regarding record collection, access, and privacy in areas of their supervision



- provide a first point of consultation to principals and specialists in their areas in matters relating to record collection, access, and privacy in areas of their supervision

Employees, Trustees, Volunteers, and Contractors

- comply with procedures and protocols regarding collection, access, and privacy in their daily work

Procedures

Collection of Information

1. LSKYSD shall collect only such personal information as is required to provide services to students under *The Education Act, 1995*.
2. Individuals may inquire as to the reason why such information is being collected. LSKYSD shall provide reasonable explanations or disclosure statements for the purposes of collection.
 - a. Disclosure statements shall be available whenever collecting voluntary information regarding Indigenous declarations.
3. LSKYSD shall take all reasonable steps to ensure that personal information collected and used is accurate and complete.
 - a. Individuals may at any time request changes to their records to correct inaccurate information.
 - b. Requests to change information shall be made where the record is stored as part of an access request.

Confidentiality

4. All employees, trustees, volunteers, and contractors shall keep strictly confidential any and all information they acquire during the course of their service that would reasonably be considered personal or confidential. This includes, but is not limited to:
 - a. personal information concerning students;
 - b. personal information concerning employees;
 - c. confidential information obtained from third parties;
 - d. confidential information about matters under consideration by administration or the Board;
 - e. confidential information concerning the business or operations of LSKYSD; and
 - f. content of tenders and other contractual negotiations.
5. Under the Need-to-Know Principle, only those individuals requiring access to personal information in order to perform their duties shall be allowed access to that personal information.
 - a. For physical records, access shall be managed through physical means such as locking filing cabinets and retaining records in locked offices.
 - b. For electronic records, access shall be managed through permissions and settings.
6. Access shall be granted only for such time as is needed to perform the required duties.
7. All employees shall review this procedure and shall sign *5.38A Acknowledgement of Review of Confidentiality Form*. All trustees, volunteers, and contractors requiring access to personal information shall also review this procedure and shall sign *5.38A Acknowledgement of Review of Confidentiality Form*. Forms shall be kept on file.



8. Any employee accessing or disclosing personal information without authority to do so may be subject to disciplinary measures. Any volunteer or contractor accessing or disclosing personal information without authority to do so may be barred from LSKYSD.

General Procedures of Record Access

9. Unless otherwise specified by *LAFOIP* or other relevant statutes, individuals shall have access to their own records used and stored by LSKYSD. Individuals may informally request access to their records at the site where their records are stored.
 - a. For records used and stored at a school, the principal coordinates the request with reference to administrative procedure *4.34 Student Records*.
 - b. For employee records used and stored at Central Services, the HR Administrator coordinates the request with reference to administrative procedure *5.45 Employee Records*.
 - c. For other records used and stored at Central Services, the relevant specialist coordinates the request.
10. Members of the public may request access to records of LSKYSD by submitting a formal *Access to Information Request Form* available from the OIPC.

Informal Access Requests

11. Informal access requests may be made in the following circumstances:
 - a. individuals seeking access to records about themselves,
 - b. parents seeking access to records about their children,
 - c. individuals seeking access to records about their deceased relatives, and
 - d. outside agencies seeking access to records about students they are serving where
 - i. parental consent has been given,
 - ii. the information was collected by LSKYSD for purposes consistent with the request, or
 - iii. there is a statutory requirement for LSKYSD to share the information.

The guidelines for addressing informal access requests are contained in the Informal Access Requests protocol (*internal document*).

12. In the case of ongoing access requests by parents to release student information to third-party service providers, parents shall submit a *Consent for the Release of Confidential Information form*.
13. There is no application fee or search fee associated with an informal access request.
14. Informal access requests may be granted, denied, or redirected to a formal access request depending on the nature of the records being requested. The privacy officer may advise in access requests and shall make the final determination of access with reference to procedures and statutes.

Formal Access Requests

15. Formal access requests may be made in the following circumstances:
 - a. members of the public or outside agencies seeking access to records about others or about LSKYSD operations in general, or
 - b. individuals seeking information about themselves or parents seeking information about their child when the request,
 - i. is for records that contain personal information of other individuals,
 - ii. is complex or broad in nature,



- iii. requires five hours or more of work to search, prepare, and reproduce, or
 - iv. as determined by the privacy officer, requires the process of a formal access request.
- The guidelines for addressing formal access requests are contained in the Formal LAFOIP Requests protocol (*internal document*).

- 16. The Privacy Officer is responsible for managing formal access requests and shall provide direction to principals, specialists, and other employees concerning the release of personal information through formal access requests
- 17. LSKYSD shall charge standard fees as outlined by the OIPC to make a formal access request as well as to complete the search, preparation, and reproduction of records requested.

Privacy Breach

- 18. Any suspected privacy breaches shall be immediately reported to the privacy officer. The privacy officer shall provide direction to principals, specialists, and other employees regarding actions to contain and mitigate the breach.
- 19. The privacy officer shall investigate privacy breaches, provide direction to employees regarding the investigation, and make recommendations for mitigations.

Appendices

- 5.38A Acknowledgement of Review of Confidentiality Procedure form (*internal document*)
- 5.38B Consent for the Release of Confidential Student Information form
- 5.38C Consent for the One-Time Release of Confidential Information form

Formal LAFOIP Requests protocol (*internal document*)
Informal Access Requests protocol (*internal document*)
Privacy Breach Protocol (*internal document*)

Related

- Board Policy 2030 Code of Conduct
- 4.34 Student Records
- 5.45 Employee Records
- 7.08 Records Retention and Disposal

[Access to Information Request Form](#) (*Saskatchewan government document*)
[Information and Privacy Commissioner Guide to The Local Authority Freedom of Information and Protection of Privacy Act](#) (*Office of the Information and Privacy Commissioner documents*)
[Sask Schools Privacy](#) (*SSBA and SASBO*)