



AP 1-600 – FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

BACKGROUND

The Freedom of Information and Privacy Act was passed by the province of Manitoba on June 28, 1997, schools have been required to comply with the act since April 3, 2000. The legislation aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Manitoba.

The Division will manage information in manner that supports the Board's commitment to providing the public with access, with only a limited number of specific exceptions, while protecting the personal privacy of the individual in accordance with provincial legislation.

DEFINITIONS

Head – In relation to a public body, means the person or group of persons designated under sections 80 and 81 of the Freedom of Information and Protection of Privacy Act as the head.

Coordinator – Designated by the Head as the first contact person related to Freedom of Information and Protection of Privacy Issues.

PROCEDURES

General

1. The Division shall develop and maintain records management procedures which support and meet the operating requirements of Manitoba Education Citizenship and Youth and the Freedom of Information and Protection of Privacy Act.
2. The Division shall make available a records directory providing a general listing of the records in the custody or under the control of the Division.
3. The Superintendent of Schools is designated Head of the Division for the purposes of the Freedom of Information and Protection of Privacy Act, and is responsible for ensuring that the Division complies with the provisions of the Act.
4. The Secretary-Treasurer is designated Coordinator for the purposes of the Freedom of Information and Protection of Privacy Act, and is responsible for the overall management of the Freedom of Information and Protection of Privacy function.

Personal Information

1. No personal information may be collected unless collection is specifically authorized by the Public Schools, or Education Administration Acts or the information relates directly to and is necessary for an operating program or activity of the Division.
2. The Division may use or disclose personal information only for the purpose for which it was collected or compiled or for a use consistent with that purpose, or if the individual the information is about has identified the information and consented to the use, or for purposes referred to in the Freedom of Information and Protection of Privacy Act.



3. The Division has a duty to maintain accurate and complete personal information is used to make decisions about the individual. Under the Act an individual has the right to request a correction when the applicant believes an error or omission has been made.

Publications, Reports and Databases

1. All publications, following release, will be available in the Division office, for review by members of the public.
2. Databases and data files are records.

Public Access

1. The Division provides access to Division publications.
2. Persons requesting information should first contact either the school or Division office, whichever is responsible for creating or maintaining the information in question.
3. Access to information through the Freedom of Information and Protection of Privacy Act is intended as a last resort-if other attempts to acquire information have failed.
4. If the requested information is not available from the school, then the person requesting the information may apply to the designated Coordinator with their request.
5. Request forms are available from the Division office.
6. Any fees shall be levied in accordance with the Act. Fees may be waived if the applicant is unable to pay or if the record deals with a matter of public interest such as the environment, public health or safety.
7. No fee will be charged for access to personal information, but the cost of producing copies may be charged.

Reference:

The Freedom of Information and Protection of Privacy Act

Adopted: August 2009