

## **Module 11: Part C – The Municipal Freedom of Information and Protection of Privacy Act**

### **[Freedom of Information and Privacy Protection]**

The *Municipal Freedom of Information and Protection of Privacy Act* (or MFIPPA) creates a process for access to records retained by school boards and provides protection for personal information.

There is also legislation applying to provincial institutions called the *Freedom of Information and Protection of Privacy Act*.

### **[Municipal Freedom of Information and Protection of Privacy Act]**

MFIPPA defines personal information as recorded information about an identifiable individual. The name of the individual is not the only way to identify an individual. The name, title, contact information or designation of board employees or members of the board is not personal information.

The circumstances of the collection, use, retention and disclosure of personal information are strictly prescribed by MFIPPA. Personal information, which would include information about students and employees, can only be collected, used and disclosed in specific circumstances.

Unauthorized disclosure: The willful disclosure of personal information is subject to an offence under the Act: a fine of \$5000 may be levied on conviction.

Although MFIPPA gives access only to records, it protects any form of personal information, not only recorded personal information. An employee or trustee cannot bypass the protections by orally communicating the personal information that has been recorded.

### **[Access Provisions]**

The access provisions in MFIPPA do not allow access to a record of an in-camera meeting, provided that the school board is entitled to hold the meeting in-camera according to section 207 of the *Education Act*. Similarly, the prohibition on access to the records requires members of the school board to maintain confidentiality of the records to which they are privy.

### **[Module Conclusion]**

During this module, we have considered:

## **Good Governance for School Boards: Trustee Professional Development Program**

### *Module 11: Legal Aspects of School Board Governance*

- the quasi-judicial decision-making responsibilities of trustees required by the *Education Act* with respect to student discipline;
- the application of the *Municipal Conflict of Interest Act* with respect to discussing and voting on matters brought before the board; and
- the application and requirements of access and privacy legislation.

This concludes our course. For more detailed information on any of these topics, please consult your board legal counsel or the appropriate board superintendent.

[End of Module]