



Policy Code – Version: G7 – V2	
Policy Name: Freedom of Information and Protection of Privacy	
Approved by motion of Board on	28/09/2015
Cross Reference Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) Personal Health Information Protection Act (PHIPA)	
Related Forms	

Policy Statement

1. This policy shall govern the use of confidential information – collection, storage, use, access, distribution and destruction of information – in accordance with the statutory duties and responsibilities provided in the Education Act, Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), , the Personal Health Information Protection Act (PHIPA), and any other applicable legislation.
2. The Ottawa Student Transportation Authority is committed to open communication with its internal and external publics. Information regarding regular business of the Ottawa Student Transportation Authority shall be publicly available subject to limitations of MFIPPA, approved OSTA policies and any other applicable legislation.
3. Confidential information acquired by staff and/or members of the Board of Directors of the Ottawa Student Transportation Authority in the course of their regular business shall not, unless required by law, be divulged, disclosed or communicated to any person, firm, corporation or organization, except where such disclosure is necessary for the efficient and effective provision of transportation services.
4. Confidential information shall include student information and any/all information provided by member school boards to the Ottawa Student Transportation Authority in order to facilitate the provision of transportation services.

5. The General Manager shall ensure that external service providers and member school boards are bound by confidentiality provisions in their service agreements with the Ottawa Student Transportation Authority.
6. The following principles shall guide the management of personal information:
 - a) The OSTA is responsible for personal information in its custody or under its control and may delegate its authority and responsibilities as required.
 - b) Personal information shall only be collected for specified purposes, duly noting the legislative authority for the collection.
 - c) Informed consent shall be required for the collection, use or disclosure of personal information, except where otherwise permitted by law.
 - d) The collection of personal information shall be limited to that which is necessary for the purposes identified.
 - e) Personal information shall only be used, retained or disclosed for the purposes for which it was collected.
 - f) Personal information collected, used or disclosed shall be accurate, complete and up to date as is necessary.
 - g) Personal information in the custody or control of the OSTA shall be protected.
 - h) All policies and procedures relating to the management of personal information shall be made readily available to the public.
 - i) An individual has the right to access his or her information, to challenge its accuracy and completeness, and be notified of all requests for access to personal information from individuals other than the individual whom the information relates to, with such requests to be administered in accordance with applicable laws.
 - j) The denial of access to personal information shall be limited, specific and in accordance with the exemptions set out in MFIPPA, with the ability for such decisions to be reviewed by an independent agency (i.e. the Information and Privacy Commissioner of Ontario appeal process).
7. Personal Information means recorded information about an identifiable individual, including but not limited to:
 - a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
 - b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
 - c) any identifying number, symbol or other particular assigned to the individual;
 - d) the address, telephone number, fingerprints or blood type of the individual;

- e) the personal opinions or views of the individual except if they relate to another individual;
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions or another individual about the individual; and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Personal information does not include information about an individual who has been dead for more than 30 years.

- 8. Consent for the collection, use, or disclosure of personal information may be expressed in writing. It may also be given verbally, electronically, or through authorized representatives. In certain circumstances, consent may be implicit, explicit or implied.
- 9. General Manager of OSTA shall issue such procedures as may be necessary to support this policy.
- 10. The OSTA, in consultation with Member Boards, shall review and reflect on freedom of information and privacy legislation requirements on annual basis or as deemed necessary.

Procedure

- 1. Copies of Regular Board of Directors Meeting (open sessions) agendas and information bundles will be distributed to appropriate sources at the same time they are distributed to the Board of Directors.
- 2. OSTA Board Meeting Agendas and approved Minutes from open sessions will be posted on the Ottawa Student Transportation Authority's website.
- 3. Reports and/or documents of the Ottawa Student Transportation Authority may be released to individual members of the public or associations after a formal presentation of the report is made and at a cost, if any, to be determined by the OSTA General Manager.
- 4. All requests for access to information must be submitted in writing to the OSTA General Manager.
- 5. General Manager of OSTA is responsible for:

- a) Administering and ensuring compliance with respect to the collection, use, disclosure and retention of personal information in accordance with applicable legislation;
 - b) Administering all requests for access or correction to personal information;
 - c) Ensuring that procedures are in place regarding third party service providers who have custody of personal information;
 - d) Overseeing and managing any privacy breaches that may occur;
 - e) Communicating and providing training opportunities to staff, as required, with respect to the obligations under the FIPPA; and
 - f) Any other requirements and responsibilities that may arise with respect to the district's obligations under the FIPPA.
6. The OSTA General Manager or designate will ensure an individual's informed consent is obtained for the collection, use, or disclosure of personal information, except where otherwise permitted by law. Such exceptions are set out in the law and include where legal, medical or security reasons make it impossible or impractical to seek consent.
7. The OSTA staff will ensure that personal information is protected by security safeguards that are appropriate to the sensitivity of the information, in order to protect personal information from unwarranted intrusion, release or misuse. The methods of protection of personal information will include, but are not limited to:
- a) Physical measures such as locked filing cabinets, restricted access to offices, sign-in logs, securely disposing of confidential information, and limited distribution of reports containing personal information as required;
 - b) Organizational measures such as security clearances, and limiting access to and ability to change personal information in hard copy and electronic form;
 - c) Technological measures such as passwords, firewalls, levels of encryption;
 - d) Measures applicable to the use of personal information off-site.
8. The Director or designate will ensure that an individual has the right to:
- a) access his/her personal information and will be given access to that information in accordance with privacy legislation, subject to any mandatory or discretionary exceptions;

- b) challenge the accuracy and completeness of the information and to request that it be amended as appropriate or to have a letter/statement of disagreement retained on file.
9. The OSTA will advise an individual of any third party service provider requests for his/her personal information in accordance with privacy legislation.
 10. All requests for access to personal information from individuals other than the individual whom the information relates to, will be administered in accordance with the OSTA privacy policy, procedures, MFIPPA and associated legislation.
 11. The OSTA may refuse to disclose a record that is described in sections 6, 7, 8, 8.1, 8.2, 11, 12, 13, and 15 of MFIPPA.
 12. The OSTA may refuse to confirm or deny the existence of a record described in sections 8, 8.1, 8.2, and 14(5) of MFIPPA.
 13. The OSTA shall refuse to disclose a record that is described in sections 9 and 10 of MFIPPA, except as may be permitted by subsections 9(2) or 10(2).
 14. The OSTA shall refuse to disclose a record that is described in section 14 of MFIPPA, except solely as permitted by section 14 and upon an assessment by the OSTA of the considerations identified therein.
 15. Despite articles 11-14 of the OSTA privacy policy, the OSTA will not refuse to disclose a record described in section 16 of MFIPPA, the application of which shall be determined by the OSTA.
 16. The OSTA may require the person who makes a request for access to a record to pay fees in the amount covering:
 - c) the costs of every hour of manual search required to locate a record;
 - d) the costs of preparing the record for disclosure;
 - e) computer and other costs incurred in locating, retrieving, processing and copying a record;
 - f) shipping costs; and
 - g) any other costs incurred in responding to his/her request.

General Manager of OSTA, before giving access to a record, will give the requestor a reasonable estimate of any payment in excess of \$25.

General Manager of OSTA may waive the payment of all or any part of any costs incurred at his/her discretion.