



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019

PAGE:

Page 1 of 7

1. GENERAL

- 1.1 In accordance with the Public Schools Act (PSA) every school division in Manitoba shall establish procedures to collect, store, retrieve and use information on each student registered in the Division.
- 1.2 In accordance with the Public Schools Act and Manitoba Pupil File Guidelines each student shall have a pupil file which includes a record of a students' attendance, academic achievement and other related matters.
- 1.3 The purpose of collecting information on students shall relate to the provision of educational programs and services to support the student's educational progress.
- 1.4 The collection, use, protection, retention and/or disclosure of information contained in the pupil file shall be in accordance with the provisions of the Freedom of Information and Protection of Personal Privacy Act (FIPPA), the Personal Health Information Act (PHIA), the Youth Criminal Justice Act (YCJA), The Information Sharing Act as well as Policy EGC – Records Management and Retention.
- 1.5 The WSD recognizes the rights of individual parents/guardians (and students 18 years of age and older) to have access to some or all of the information respecting their child/children maintained by the WSD to the extent permitted by the PSA, FIPPA, and PHIA.
- 1.6 The WSD shall preserve the confidentiality of all student records in its custody or control.
- 1.7 All staff who may have access to personal information or personal health information must sign a pledge of confidentiality that includes an acknowledgment that they are bound by the Division policies and procedures and provincial legislation.

2. THE PUPIL FILE

- 2.1 The pupil file comprises the following components: 1) the cumulative file, 2) the pupil support file and 3) the youth criminal justice file, as necessary. The pupil file may be organized and separated into individual sub-files by these components.

2.2 Cumulative File

The Cumulative file component exists for all students and will include basic student data as outlined in Manitoba Pupil File Guidelines.

2.3 Pupil Support File

The Pupil Support file may exist for some students that may include documentation as outlined in Manitoba Pupil File Guidelines.

2.4 Youth Criminal Justice File

The Youth Criminal Justice file exists only for a few students and will include documentation as outlined in Manitoba Pupil File Guidelines.



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019
PAGE: Page 2 of 7

3. ELECTRONIC REPORTS

- 3.1 The WSD shall maintain in electronic format, reports generated from the student administration system, computer-based report card programs and any other software application that includes any personal and progress information regarding a student.

4. CLINICAL RECORDS

- 4.1 A clinical record rather than a school record shall be maintained on all students who have received services from the Clinical Support Services. These clinical records shall be maintained as part of the pupil support file and kept in a secured location in the school office in a separate file from the cumulative file. Clinical records on students receiving services are also maintained at Clinical Support Services.

5. ACCESS

- 5.1 The Manitoba Pupil File Guidelines outlines provisions whereby a request to access information has been requested by a student, parent or legal guardian or third party.

5.2 Access to General Information and Personal Information (Excluding Personal Health Information)

- a) FIPPA allows any individual a right of Access to Information held in the custody or under the control of public bodies, subject to specific exceptions. This includes access to general information held by the Division, as well as Personal Information about the individual requesting the Record(s). Request forms may be found at www.gov.mb.ca/chc/fippa/appforms.html
- b) A formal Access to Information request is required if the information concerns:
- (i) Confidential Information,
 - (ii) Personal Information concerning an individual employee/student, or
 - (iii) Third Party business information.
- c) A formal Access to Information request must be submitted to the Access and Privacy Coordinator, as described by Sections 8(2) and 8(3) of FIPPA. If the formal request is received by another department or school, it will be immediately forwarded to the Access and Privacy Coordinator. All formal requests will be reviewed by the Access and Privacy Coordinator.

5.3 Access to Pupil File

- a) Under the Public Schools Act, a parent or legal guardian can access their child's pupil file until the pupil has reached the age of majority at which time, consent of the student is required to allow parent(s) or legal guardian(s) to access the pupil file.
- b) Under the Public Schools Act, subject to clause 42.3(2) and 42.3(3) parents or students who have reached age of majority (18) may have access to the pupil file.
- c) Under the Freedom of Information and Protection of Privacy Act, a student may require access to their personal information in the pupil file where the student is a minor, access is based on FIPPA, sections 17 to 32. Access to personal health information is under the Personal Health Information Act.
- d) Under PHIA, any student including a minor, may require access to their personal health information in their pupil file. Access is based on PHIA section 11(1).



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019

PAGE:

Page 3 of 7

-
- e) Under the Youth Criminal Justice Act, the act does not authorize WSD to disclose youth and justice information in a pupil file.
- 5.4 Access to Personal Health Information: The WSD will assist individuals in exercising their rights under Section 5(1) of PHIA to request to examine and receive a copy of their Personal Health Information maintained by the WSD
- a) All requests for access to Personal Health Information shall be forwarded to the Access and Privacy Coordinator.
- b) A written request must contain the name of the individual requesting the Record(s), address, phone number, signature and date of request. Request forms may be found at www.gov.mb.ca/chc/fippa/appforms.html
- c) Prior to permitting an individual to examine or receive a copy of their Personal Health Information, the Access and Privacy Coordinator shall confirm the identity of the requester through photo or other appropriate identification.
- 5.5 The right of access does not extend to information that may be considered exempt from Disclosure under Sections 17 to 32 of FIPPA and Section 11 of PHIA. If such information can reasonably be severed from a Record, the applicant has the right of access to the remainder of the Record.
- 5.6 School personnel authorized by the principal shall have access to electronic and hard copy student records in order to carry out their duties as assigned by the WSD or the principal.
- 5.7 All staff with authorization to access electronic student records shall not share their user name and/or password associated with the student administration system.
- 5.8 Parents/Guardians
- (a) Under Section 42.3(1)(a) of the PSA, parents or guardians of students under the age of 18 years, shall be permitted to examine their child's pupil file except for the Youth Criminal Justice file by arrangement with the principal and in the presence of the principal or the principal's designate. When the student is 18 years or older the consent of the student is required. Copies of the cumulative file and pupil support file can be provided by the principal to the parent/guardian or adult student upon request.
- (b) Unless a court otherwise orders, the non-custodial parent shall be permitted to examine the pupil support file (school, medical, psychological, dental, and other reports affecting the child) and the cumulative file of their child(ren) in accordance with the Family Maintenance or Divorce Act. In those cases where a non-custodial parent does not have legal access to student records, such information should be identified on the pupil file.
- (c) In accordance with the Family Maintenance Act, the right of the non-custodial parent to receive school reports is a right to be provided with information only and is not, unless a court orders otherwise, a right to be consulted about or to participate in the making of decisions by the parent granted custody.
- (d) Adoptive parents of children under the age of eighteen shall be permitted to examine the pupil support file and the cumulative file of their child/children. The biological parents shall not have access to this information without the permission of the adoptive parents.



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019

PAGE:

Page 4 of 7

-
- (e) Foster parents shall be permitted to examine the pupil file and participate in the decisions of their foster child(ren), with agency staff and collateral services.
 - (f) Under the PHIA, a parent or legal guardian acting on a minor child's behalf may request access to the personal health information in the child's pupil file on the child's behalf if the child does not have the capacity to make health care decisions. In the event of a specific request for personal health information by a parent/guardian the Access and Privacy Officer/Coordinator will determine if PHIA, FIPPA, or PSA grants access to some or all of the information requested.
 - (g) In accordance with the Youth Criminal Justice Act parents/guardians cannot access information that is in the Youth Criminal Justice file.
 - (h) Where access to a pupil file by a parent or legal guardian is permitted, a school division employee should be present to maintain the integrity of the file and, if required, to interpret the information in the file.

5.9 Public Trustee

If the student is under the supervision or committee-ship of the Public Trustee for any reason, regardless of age, written consent for examination of the student's pupil file must be obtained from the Public Trustee and presented in writing to the principal or the principal's designate.

5.10 Attendance Officer

Attendance Officers shall be permitted limited access to the pupil file in accordance with the Public Schools Act to obtain the name, age and address of the student(s).

5.11 Clinical Records

No school personnel shall have access to a clinical record other than its originator, the principal, and the professional staff members designated by the principal who have a legitimate interest in such information.

5.12 In accordance with Section 42.3(2) of the PSA, WSD may refuse to provide access to all or part of the student records where disclosure could reasonably be expected to:

- a) constitute unreasonable invasion of the privacy of a third party;
- b) be detrimental to the education of the student;
- c) cause serious physical or emotional harm to the student or another person; or
- d) be injurious to the enforcement of an investigation under an enactment or the conduct of an investigation.

6. RELEASE OF INFORMATION

6.1 No information shall be released to unauthorized persons nor shall any unauthorized person have access to the student records in response to a court subpoena.

6.2 If the student is 18 years of age or older, and not under the committee-ship of the Public Trustee, the student's consent is necessary prior to the release of information.



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019

PAGE:

Page 5 of 7

-
- 6.3 In accordance with The Protecting Children (Information Sharing) Act, WSD may collect and share personal information about supported/at-risk children, their parents and legal guardians. Supported children is defined under the legislation as children who in the care of, or connected with:
- child and family services,
 - youth justice,
 - mental health and addictions services,
 - disability services,
 - individual education plans in the school system, and
 - victim support and family conciliation services.
- 6.4 The principal may authorize the release of pertinent student records to police officers, probation officers and representatives of child welfare agencies in order to assist these individuals or agencies to carry out their duties provided disclosure of personal information is limited to the amount necessary to accomplish the authorized purpose.
- 6.5 Youth Criminal Justice Information in a pupil file can only be disclosed to ensure compliance by the student with a court order or authorization for reintegration leave or day release or to ensure the safety of staff, students, or other persons connected with the school or to facilitate the rehabilitation of the young person; or access or disclosure is authorized under some other provision of the Youth Criminal Justice Act.
- 6.6 Parents/guardians shall have the right to access the clinical records (excluding information that would fall under the PHIA) on their child/children who are under 18 years of age in accordance with the following procedures:
- (a) A student (18 years or older) or parent(s)/guardian(s) who requests access to a clinical record or information from it shall be referred to the originating person for the information and an appropriate interpretation of it. Written copies of Clinical Support Service reports may be provided by the Clinic if requested.
 - (b) Parent(s)/guardian(s) who request access to a clinical record or information from it about their child who is 18 years or over shall require the consent of the child.
 - (c) Any requests from other individuals for access to clinical information in school records shall be directed to the Clinical Support Services and the release of this information shall require the consent of parent(s)/guardian(s), or student(s) over 18 years of age.
- 6.7 Parents/guardians may have access to the personal health information on their own child/children only if the child is incapable of making their own health care decisions. The Access and Privacy Officer and/or Coordinator will determine if PHIA, FIPPA or the PSA grants access to some or all of the information requested.
- 6.8 Requests for any personal health information concerning specific students including the student's health or health care history, the provision of health care, the PHIN and any other identifying number other than by the parent/guardian or student shall be referred to the Access & Privacy Officer and/or Coordinator.
- 6.9 Release of information on individual or groups of students to other outside organizations or agencies must be in accordance with the Freedom of Information and Protection of Personal Privacy Act, the Protection of Health Information Act, the Youth Criminal Justice Act, or the Protecting Children (Information Sharing) Act.



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019
PAGE: Page 6 of 7

7. CORRECTION OF OR OBJECTION TO INFORMATION IN THE PUPIL FILE

- 7.1 In accordance with PSA, a student, parent or legal guardian may request that their objection to, or explanation, or interpretations of any matter contained in the pupil file be attached to the pupil file.
- 7.2 The principal shall ensure that if a question develops regarding the relevance or accuracy of information contained in the pupil file it shall be noted in writing (on the material in question) by the person reviewing the file, dated and signed and shall become part of the file.

8. YOUTH CRIMINAL JUSTICE ACT (YCJA)

8.1 Principal

Under the YCJA, all Principals are designated as the “school representative” to receive disclosure from information providers listed below:

- Manitoba Justice Youth Workers or Officials;
- Crown Attorneys; and
- Peace Officers

- 8.2 A Manitoba Justice youth worker, the Provincial Director, Crown Attorney, or a police officer can disclose information about a young person to the principal verbally or in written form.
- 8.3 Other than the school principal, school staff (including teachers) and clinicians do not have access to Youth Criminal Justice Act information unless the access is necessary in order to:
- ensure compliance with a youth justice court order or authorization for reintegration leave or day release;
 - ensure the safety of the staff or students of the school or other persons; or
 - facilitate the rehabilitation of the student.
- 8.4 The school principal should verbally advise school staff and others who need to know the information for the authorized purposes, or should let them review but not copy the information for those purposes.

9. BREACH OF PRIVACY

- 9.1 A Breach of Privacy occurs when Personal Information, including Personal Health Information, is collected, accessed, used, disclosed, transported, transmitted, transferred or destroyed other than as authorized, or when the accuracy, confidentiality or integrity of the information is compromised and therefore is in violation of PHIA. Breaches may include, but are not limited to, the viewing of Confidential Information by unauthorized individuals, the access, theft or loss of Division Records and the unauthorized destruction of such information by deliberate means or by human or natural accident.
- 9.2 All breaches are required to be reported immediately to the Access and Privacy Officer and/or Coordinator.
- (a) Any Person Associated with WSD who becomes aware of a possible or actual Breach of Privacy, shall immediately report the possible or actual Breach of Privacy to the Access and Privacy Officer and/or Coordinator, who shall take immediate steps to contain the Breach.



POLICY:
SUBJECT:
APPROVAL DATE:
REVISION DATE:

JO
STUDENT RECORDS
March 4, 1997
October 2002, April 4, 2005
June 2, 2008, September 13, 2010,
April 22, 2019
PAGE: Page 7 of 7

- (b) All Breaches of Privacy will be investigated by the Access and Privacy Officer and/or Coordinator.
- (c) The Access and Privacy Officer and/or Coordinator will make recommendations for immediate and long-term corrective measures as necessary to protect the confidentiality, integrity and security of all Personal Information and Personal Health Information.
- (d) If it is determined that a Breach of Privacy has occurred, appropriate remedial action shall be taken by WSD. Such action may include disciplinary action, which will be implemented pursuant to and in accordance with the relevant collective agreement, WSD policies or by-laws.
- (e) The Access and Privacy Officer and/or Coordinator will act as a resource for all persons associated to the WSD regarding appropriate action to be taken following a Breach of Privacy.

10. APPEAL PROCESS

If a parent/guardian, or a student over the age of 18, wishes to appeal the relevance or accuracy of any information contained in the pupil file, the following appeal process shall be followed:

- (a) A written request, outlining the specifics of the appeal, shall be submitted to the Access and Privacy Coordinator and/or Officer;
- (b) The Chief Superintendent/CEO and Access and Privacy Coordinator and/or Officer shall review the information and render a decision, in writing, within two weeks of receipt of the requested appeal;
- (c) The Chief Superintendent/CEO and Access and Privacy Coordinator and/or Officer decision may be appealed to the Board of Trustees by written request.