

# ADMINISTRATIVE PROCEDURES

<b>SUBJECT: Protection of Student Personal Information (Including Photographs, Videos and Voice Recordings)</b>
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## **Introduction**

School boards collect, use and disclose personal information in the course of providing educational services and programming under the authority of the Education Act and in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Personal information is information that identifies an individual such as a student's first and last name, date of birth, address, telephone number, email address, student identification number, school name and grade, school photos and videos, health information and student records.

Throughout the course of the school year students will be involved in a variety of school related activities or events consistent with the purpose of educating students. Employees of the Lambton Kent District School Board have a responsibility for the collection, use and disclosure of personal information.

Parents/guardians of students under the age of 18, and students 18 years of age and older, shall be informed of the uses of their personal information and consent obtained as required.

## **Notification, Permission and Consent Requirements**

The attached appendices outline the requirements for the collection, use and disclosure of student personal information and where informed consent is required:

- Appendix A details instances where the use and disclosure of personal information is authorized by the Education Act and therefore no consent form is required.
- Appendix B details those instances that are routine in nature throughout the school year where a 'blanket' authorization is required to cover events/activities throughout the school year.
- Appendix C details specific non-routine or special events whereby separate consent must be obtained for every event/ instance.

## **Appendix A: Routine Use and/or Disclosures of Student Personal Information.**

Appendix A sets out "Routine Uses and/or Disclosures of Student Personal Information" where personal information may be disclosed without specific consent as authorized under the Education Act. Reference: MFIPPA, s. 31(b), 32(c), 33.

**Appendix B: Notification and Permission for the Use of Student Personal Information.**

Appendix B sets out the Notification and Permission for the Use of Student Personal Information. This Appendix covers routine events that occur throughout the school year where the school is required to obtain general permission from parents/guardians and students over 18 to use and disclose personal information. This would include the imaging or audio recording of students by public media organizations reporting on public or routine events that are considered “routine or consistent purpose,” such as extra-curricular activities or events where the public is invited or otherwise attends (i.e. field trips, school concerts, athletic events). Consent is requested at the start of each school year and will cover activities and events during the school year as outlined. If consent is declined, the school will respect the request and ensure that the student’s personal information is not posted on school/Board hosted social media sites and that the media is made aware that the student is not to be photographed or recorded.

Please refer to the *Use of (Third Party) Online Educational Tools* Administrative procedure for information regarding consent for photographs, video or audio recordings to be distributed using these tools, such as sharing information for assessment and sharing information with parents/guardians.

**Appendix C: Consent for Specific Media/Special Event Coverage.**

Appendix C is used to obtain consent for a non-routine specific event. In “special situations” individual students would only be photographed or identified with appropriate signed consent for the specific activity. Consent must be obtained for each specific special event/activity. In accordance with the Municipal Freedom of Information and Protection of Privacy Act, Part II, consent/release/waiver forms must be obtained for the imaging or audio recording of children in a special situation. These are considered “particular information/consent” activities – Reference: MFIPPA, s. 31(a), 32(b).

**School/Board-Sponsored Activities****Appendix A – Routine Use and/or Disclosures of Student Personal Information.**

Appendix A outlines activities authorized under the Education Act where no written consent is required.

**Principal**

- Communicates at the beginning of each school year, through school newsletter and/or school planner, and school website, the routine or general use of student’s personal information that does not require specific consent per the Education Act. Parents/guardians are asked to inform the School Principal, **in writing**, of any concerns related to the routine use or disclosure of this personal information.
- If concerns are received in writing, Principals are to meet with the parents/guardians to clarify the concerns and agree to a possible alternative that meets with both parties’ approval. Principals should contact and discuss the matter with the LKDSB FOI Coordinator before finalizing any alternative arrangements.

**Appendix B - Notification and Permission for the Use of Student Personal Information.**

Appendix B covers routine use of student images (photos, videos and/or voice recordings) that may include posting on school/board websites, social media sites hosted by the LKDSB and general media coverage). Annual consent is required for these routine uses.

Principal

- Obtains consent from parents/guardians or adult students (over 18) for the use of student photographs, videos and/or voice recordings that may be posted on the LKDSB and/or school websites or other social media sites whose content is controlled by the LKDSB or where photographs or recordings are part of general media coverage of students participating in routine school activities (Appendix B).
- The Notification and Permission for the Use of Student Personal Information (Appendix B) form will accompany Registration forms for new students and the annual Student Information Verification form in subsequent years.
- In situations where concerns have been identified, advises parents/guardians to instruct children to avoid being photographed, audiotaped or videotaped by covering their faces, or removing themselves from the area.

Principal/Teacher

- Ensures in the case where a student does not have consent that the student's personal information is not posted on school/Board hosted social media sites and that the media is made aware that the student is not to be photographed or recorded.
- Ensures students' first and last names will not be attached to photographs/videos or voice recordings which are posted on LKDSB websites or social media sites.
- Removes child not to be photographed, audiotaped, or videotaped from activity, if the situation warrants it.

**Appendix C – Consent for Specific Media/Special Event Coverage.**

Appendix C is required for non-routine special situations or events covering sensitive subjects or where a student is identified as the primary subject. Consent is required for each participant at each event.

Principal

- Obtains permission from parent/guardian or adult student age 18 or over using Consent for Specific Media / Special Event Coverage (Appendix C) for special Board-sponsored activity not considered routine or a consistent purpose; or if the story, photograph, audiotape or videotape covers topics of a sensitive nature; or if any student is to be identified as the primary subject of the photograph, audiotape, or videotape.  
*Note: The release form could be sent home with any school activity permission form if the event may be highlighted or covered as a special situation.*
- Notifies organizer(s) of Board-sponsored activity of any child/adult student who **is not** to be photographed, audiotaped or videotaped.

### **Media Coverage at Schools**

- Principals shall ensure that student interaction with the media is conducted in accordance with the following guidelines:
  
- When a principal invites a member of the media on to school grounds to report on non-routine school related activities or activities that fall under special situation status, they must receive appropriate consent of the parent/guardian/adult student who is featured in an interview or photo session for every instance. These interviews shall be conducted under the supervision of a staff member.
  
- Principals must validate the credentials of any member of the media before inviting him/her onto school grounds, and in doing so, must collect and record the following information:
  - the name and nature of the media corporation the person represents;
  - the topic of the feature/story (e.g. student achievement, school celebrations or curriculum)
  - the type of information the reporter would like to gather from the student (regardless of what will be publicized), e.g. team photo, name of students, school, or individual student photo, opinion on school activity.
  - confirm parental/guardian consent for any students photographed, audiotaped, videotaped or interviewed by any member of the media.
  - Principals must ensure that staff, coaches or volunteers are aware of any students who are not to be photographed, audiotaped, videotaped or interviewed by media.
  - for events open to the public, such as athletics, graduation, school plays, Remembrance Day ceremonies, etc. Principals and supervising staff must inform members of the media of any children who cannot be photographed, audiotaped, videotaped or interviewed by media.

### **Outside Organization-Sponsored Activity**

#### Requester

- Contacts the Principal of the School or Board Supervisory Officer to ask permission to photograph, audiotape, videotape or publish names of students/employees in the School/Board Office departments. Permission to include any of the above on the outside organization's website or social media site is also required.

#### Principal/Supervisory Officer

- Decides whether permission is granted, and if so provides notification and obtains permission from parent/guardians/adult students or Board employee(s). Determines whether the coverage falls under Appendix B (routine use) or Appendix C (specific event).

Implementation Date: January 1999

Revised: September 10, 2003

October 15, 2003

June 2007

October 2012

April 1, 2014

March 2015

June 2019

Reference: Privacy of Information Policy and Regulation

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Use of (Third Party) Online Educational Tools Administrative Procedure

Responsible Use of Technology Policy and Administrative Procedure

Advertising on School Board Property Policy, Regulation and Administrative Procedure

## **ROUTINE USE AND DISCLOSURE OF STUDENT PERSONAL INFORMATION**

School boards collect and use student personal information to provide educational services and programming under the authority of the Education Act and in accordance with Municipal Freedom of Information and Protection of Privacy Act. School Boards are not required to obtain consent for these activities, but if any parent has concerns they are welcome to contact the school principal in writing so that an alternate resolution can be found.

**The Education Act** requires the school principal to establish and maintain an **Ontario Student Record (OSR)** for each student attending school. The OSR is a record of a student's educational history and progress through school in Ontario and follows the student when they transfer from one school to another in the province. The Ministry of Education, under the Education Act, sets out the guidelines for how the OSR is managed.

**The Municipal Freedom of Information and Protection of Privacy Act** sets out rules that school boards must follow when collecting, using and/or disclosing personal information. Under the Act, personal information refers to recorded information about an identifiable individual and may be used or disclosed:

- for the purpose for which it was obtained or a purpose consistent with the reason collected;
- to Board administration and employees who require access to the information in the performance of their assigned job duties and responsibilities;
- to comply with laws, a court order or subpoena to aid in law enforcement by a law enforcement agency; or
- in compelling circumstances affecting the health and/or safety of staff or students in accordance with the law.

### **THE FOLLOWING OUTLINES THE ROUTINE USE AND DISCLOSURE OF STUDENT PERSONAL INFORMATION:**

#### **Student Instruction, Achievement and Well-Being**

- Parent/guardian contact information is shared for communications between school and home.
- Student personal information, including OSR information, will be used by school and Board staff for the purposes of designing and delivering programs to meet student needs, promoting student achievement and well-being and supporting the transition of students between schools and programs. Staff working with the classroom teacher or directly with the student may include individuals working in areas such as early childhood education, special education, guidance counselling, student success, administration, etc.

- Student information such as learning profiles and achievement levels will be shared between staff within a school to best address student needs as they progress through grade levels.
- Secondary schools will receive information about pre-registered Grade 8 students in advance to facilitate the appropriate program planning for the student.
- Secondary schools may share information about student progress with the student's prior elementary school to support the continuous improvement of the elementary program for all students.
- Contact information, marks and transcripts are shared with Ontario colleges and universities to support the student's post-secondary applications.
- Photographs and videos of students, collectively or individually, may be taken by their classroom teacher in school or during school activities as part of their educational program or assessment of learning.
- Students may participate in video conferencing to support the classroom program. Conferences may be organized with students in other LKDSB schools, students in other countries, and subject area experts.
- Student work may be displayed in the classroom or in school hallways or may be shared with the public at events such as science fairs, colouring/writing/poster contests, and other community events outside of the school setting. The first name and last initial of the student's name will be printed on work displayed.
- As part of the LKDSB's commitment to 21<sup>st</sup> Century Learning, students will use Ministry and LKDSB approved online education tools in classrooms to support curriculum instruction and provide collaborative learning forums. These applications include: Google Apps for Education, Microsoft Office 365, Desire 2 Learn, myBlueprint. Approved applications have been assessed from a security and privacy perspective.
- Schools/teachers wishing to use additional third-party online tools will assess the application to ensure the protection of personal information. If the application uses or stores personally identifiable information, written consent will be obtained from parents/guardians as per Board Administrative Procedure Use of Third Party Online Educational Tools.

### Health / Safety / Transportation

- Student information (name, primary parent/guardian contact information, date of birth, grade level) is shared with Local Public Health Units in accordance with the Education Act and Immunization of Pupils Act, as well as for vision and dental screening. Communicable diseases shall be reported in accordance with the Health Promotion and Protection Act and the Education Act.
- In the event of a medical emergency, student information may be shared with first responders or the hospital.
- Parent/guardian contact information and basic student information may be used for safety and emergency purposes to facilitate contact with parents/guardians during an emergency (i.e. inclement weather or injury); safe arrival programs to contact parents/guardians where a student is absent, and the school has not been notified of the absence. Notifications may be made by authorized volunteers or by a secure externally hosted automated system.
- Under the Education Act and the Personal Health Information Protection Act, written signed consent is required prior to conducting intelligence or behaviour tests, or prior to the involvement of Psychology or Speech and Language staff.
- Student medical/health information provided by parents/guardians or adult students will be used to address the student's medical needs at the school and during school activities. This will include development of a plan of care and emergency response for the student and for administration of medication. Information will be shared with appropriate staff to ensure the safety of the student. Medical plans of care, accessibility and safety needs will be provided to the Chatham-Kent Lambton Administrative Services (CLASS) Transportation Services Department and the contracted bus company responsible for transporting students.
- Parent/guardian contact information and basic student information will be provided to Chatham-Kent Lambton Administrative Services (CLASS) Transportation Services Department to facilitate the coordination of transportation services.
- Surveillance equipment may be used in schools and on buses to enhance the safety of students and staff, to protect property against theft or vandalism, and to aid in the identification of intruders and of persons who endanger the health, well-being, or safety of school community members.
- Student accidents that take place during school or on school-sponsored activities will be reported to the Board's insurer. Reports include the name of the injured student(s) and details about the incident as well as the name and contact information of witnesses to the accident.

### School Events and Activities

- Students participating in extra-curricular activities or events where the public is invited or otherwise attends (i.e. field trips, school concerts, athletic events) may be photographed and/or reported on by the media or the general public. This may result in photos or recordings being posted on social media sites. If photography or video recording is permitted at these events, it is not possible for the school/Board to control the use of recordings. We kindly remind anyone taking pictures to be respectful of the privacy rights of others they may capture in their recordings by only posting photos of other students with permission of the individual or their parent/guardian.
- Personal information such as student name, date of birth, year of entry into grade 9 and credits achieved, shall be shared with Lambton Kent Secondary Schools' Athletic Association and Ontario Federation of School Athletics Association (OFSAA) for participation in school sports programs and determining eligibility requirements to participate in inter-school competitions.
- Student names and/or photographs may be printed in school yearbooks, school programs/brochures (i.e. commencement, graduation, school plays and concerts) or on academic or athletic awards.
- Student information such as name, student number, grade and school are provided to contracted school photographers. These photos will be used for administrative and archival purposes, student identification cards, school yearbooks, and offered to parents/guardians for purchase.
- Birthdays may be announced over the PA system and/or in classrooms. Class lists with student first names and last initial may be distributed to other parents to address cards or invitations in connection with holidays, birthday parties etc.
- Personal information such as student name, number and date of birth are shared with the Board's online payment system provider to allow parents to remit student activity and other fees online.

**If you have any questions or concerns regarding the use or disclosure of student personal information as outlined above, please contact the school principal as soon as possible.**

**The above will apply unless an objection is made in writing with the principal and an alternative resolution can be found.**

## **NOTIFICATION AND PERMISSION FOR THE USE OF STUDENT PERSONAL INFORMATION**

### **Student Information**

\_\_\_\_\_  
Student First Name (please print)

\_\_\_\_\_  
Student Last Name (please print)

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Parent/Guardian/Adult Student (over 18) Name (please print)

\_\_\_\_\_  
**Parent/Guardian/Adult Student (over 18) (please sign here)**

The Lambton Kent District School Board (LKDSB) is required to comply with legislation which protects students' personal information, in particular, the *Education Act* (R.S.O., 1990, c.E.2) and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) (R.S.O. 1990, M.56), as amended. Parents/guardians of students under the age of 18, or adult students over 18 must be informed of how personal information is used and give permission for those uses.

The *Education Act* authorizes school boards to collect personal information for the purpose of planning and delivering educational programs and services which best meet students' needs and for reporting to the Minister of Education as required. The Act requires that the school principal maintain an Ontario Student Record (OSR) for each student attending the school. The OSR is a record of a student's educational progress through school in Ontario and follows students as they transfer schools. The Ontario Student Record Guideline sets out how the record is to be managed. The Lambton Kent District School Board adheres to this OSR Guideline.

The MFIPPA allows for the use and disclosure of personal information if it is for the purpose for which it was obtained or a purpose consistent for the reason collected. This permission is given to Board officers or employees who need access to the information to perform their duties as employees of the LKDSB; to comply with legislation, a court order or subpoena or to aid in a law enforcement investigation; and in compelling circumstances affecting health or safety.

**The LKDSB Routine Use and Disclosure of Student Personal Information is communicated annually by the school principal via school newsletter and/or planner and school website.**

The following routine uses of your or your child's personal information require specific consent from you that will cover all such events throughout the school year. Please read the following information and check the appropriate checkbox. You will continue to be notified of classroom or school-specific events (e.g. field trips) as they are organized. You will also be notified of any non-routine specific event that requires an individual consent (Appendix C) separately prior to each event.

### **Use of Student Photographs/Videos and/or Voice Recordings**

From time to time, school/classroom activities such as projects, plays, athletics and presentations are photographed or recorded by school or central Board staff to highlight some of the school initiatives and programs happening in our schools. These recordings could be posted on the LKDSB and/or school websites or on other social media sites whose content is controlled by the LKDSB. **Students' first and last names will not be attached to photographs/videos or voice recordings which are posted on LKDSB websites or social media sites.**

The media may occasionally photograph, interview, audio or videotape students participating in routine school activities for news stories. The media may include your child's name and location as part of their coverage.

Please note that the information may be used beyond the current school year.

**I give permission for my / my child's photo or recording to be used for the purposes identified above.**

Yes

No

\_\_\_\_\_  
Date



**CONSENT FOR SPECIFIC MEDIA / SPECIAL EVENT COVERAGE**

On \_\_\_\_\_, representatives from \_\_\_\_\_  
(Date) (Name of media outlet / organization)

may be in attendance at our school to film/photograph/videotape or make an audio or digital recording of our students. The purpose, use and disclosure of this collection of personal information is to be: (be as specific as possible)

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Please be advised that all or portions of the work referred to above will become part of the media outlets or organization’s database and may be adapted for other educational or non-educational applications, productions, broadcast, re-broadcast, published, exhibited, reproduced, and/or distributed in various formats to a number of markets. Once photographs, student names, and other personal information and student work are released in any public forum, the Lambton Kent District School Board cannot control or prevent the further distribution or use of the material by those who access the information.

Schools cooperate with the media and other organizations, within reason, to encourage celebration of school achievements and the sharing of information about students, and student work. However, we recognize that there are instances where parents/guardians/adult students or employees may not wish their children or themselves to be recorded.

**CONSENT FOR RELEASE – Parent/Legal Guardian/Adult Student or Employee**

I am the parent/legal guardian of the student or adult student, or employee of the Board, and I have read and understand the information provided on this form. I voluntarily give the Lambton Kent District School Board permission to include my child or me in the media coverage and its subsequent use as described above.

\_\_\_\_\_  
Name of Student (please print)

\_\_\_\_\_  
School

\_\_\_\_\_  
Name of Parent/Legal Guardian (please print)

\_\_\_\_\_  
Signature of Parent or Legal Guardian

\_\_\_\_\_  
Name of Adult Student (please print)

\_\_\_\_\_  
Signature of Adult Student

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Signature of Employee

Verbal Consent Obtained

\_\_\_\_\_  
Principal’s Signature

\_\_\_\_\_  
Date