

# Records Management Regulation

## 6710-10 | Records Management Regulation

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### 1. Overview and Definitions

1.1. The Records Management Program will facilitate the retrieval, retention, long-term preservation and destruction of records in accordance with the District's legal, administrative and operational obligations.

1.2. The following definitions apply within this regulation:

1.2.1. A "Record" is "all recorded information regardless of physical format, which is received, created, deposited or held. Records include books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include computer programs or any other mechanism that produces records." (Freedom of Information and Protection of Privacy legislation.)

1.2.2. "Student Personal Information" includes any information that identifies a student including the student's name, address and telephone number, Personal Education Number (PEN), assessments, results and educational records.

1.2.3. "Employee Personal Information" is any recorded information about an identifiable employee other than information enabling an employee to be contacted at work (including name, position name, district telephone number, district address, district email and district fax number).

1.3. The following acts (and regulations thereto) are part of the Records Management Program:

1.3.1. Canada Pension Act

1.3.2. Document Disposal Act;

1.3.3. Education Finance Act;

1.3.4. Employment Insurance Act.

1.3.5. Employment Standards Act;

1.3.6. Excise Act;

1.3.7. Financial Disclosure Act;

1.3.8. Financial Information Act;

1.3.9. Freedom of Information and Protection of Privacy Act (FOIPPA);

1.3.10. Income Tax Act; and

1.3.11. School Act.

### 2. Creation and Correction of Records

2.1. In accordance with FOIPPA, the District has the legal authority to collect personal information that relates directly to, and is necessary for, its operating programs or activities, or as otherwise authorized by legislation. Personal information will be collected directly from the individual the information is about, unless another method of collection is authorized by the individual or by legislation.

2.2. FOIPPA gives employees the right to request that personal information on file be removed or corrected. This procedure is not intended to be in conflict with, or supersede, an employee's rights outlined in a collective agreement.

2.2.1. Employees may request the district to correct or remove entries in their personal records. Such a request must be made in writing, either on the forms provided or in a letter.

2.2.2. The Secretary-Treasurer (who may consult with the Superintendent before making a decision) will make a decision on the request.

2.2.3. If the request is complied with, no Record of the request should be retained in the employee file.

2.2.4. If the district denies the request, the applicant will be informed of the right to appeal to the Commissioner of Information and Privacy.

### **3. Access to Records**

#### **3.1. FOIPPA**

3.1.1. Disclosure of personal information occurs when the information is provided to an external or third party. Such disclosure must comply with Part 3 of FOIPPA.

3.1.2. Personal information may be disclosed to a third party if the individual who is the subject of the information has provided written consent in accordance with FOIPPA regulation. In the case of a student under age nineteen (19), such consent shall be provided by the student's parent or guardian.

3.1.3. FOIPPA provides a general right of access to any record in the custody or under the control of the district, including records containing personal information, subject to certain exceptions that are set out in Part 2 of FOIPPA.

3.1.4. FOIPPA regulation allows a parent or guardian to access personal information on behalf of a child under the age of nineteen (19).

3.1.5. All employees working with records must ensure the security and confidentiality of those records, including security of access to records.

#### **3.2. School Act**

3.2.1. Section 1 of the School Act defines a student record as:

"student record" means a record of information in written or electronic form pertaining to

(a) a student or francophone student, or

(b) a child registered under section 13 with a school or francophone school,

but does not include

(c) a record prepared by a person if that person is the only person with access to the record, or

(d) a record of a report under section 14 (1) or 16 (3) (b) of the Child, Family and Community Service Act or of information that forms the basis for a report under section 14 (1) of that Act;

3.2.2. The School Act provides a student and parent or guardian with a right of access to copies of academic records and other student records (Section 9), as well as information about the student's progress, attendance and behavior at school (Section 7).

3.2.3. Section 79 of the School Act addresses privacy in the context of student records.

### 3.3. Student Personal Information

3.3.1. District employees may disclose Student Personal Information to other district employees where such disclosure is necessary for the performance of the duties of the employee.

3.3.2. District employees may disclose Student Personal Information to other school districts where such disclosure is necessary for educational purposes.

3.3.3. In accordance with FOIPPA, other ministries, school districts or law enforcement agencies may have access to personal information where this is necessary for the provision of their services.

3.3.4. Students and/or parents or guardians must authorize the disclosure of Student Personal Information for purposes ancillary to educational programs such as newsletter publications, website postings, honor roll lists, team rosters or yearbooks. This authorization will be obtained on the form "Authorization for Disclosure of Student Personal Information" on an annual basis at the beginning of each school year. Parents and/or guardians have the right to opt out of providing Student Personal Information that is not directly related to a student's educational program or necessary for the district's operational activities.

3.3.5. When a school or the district collects Student Personal Information or personal information about students' families, parents and/or guardians should be informed of the purpose for which the information is being collected.

### 3.4. Employee Personal Information

3.4.1. The collection, use, disclosure, access to and disposal of Employee Personal Information is governed by FOIPPA. All provisions of FOIPPA that apply to Employee Personal Information in the district's custody or control will be observed.

3.4.2. Access to an employee's Records can be gained during normal business hours upon appointment with the Secretary-Treasurer. The employee's Records are available to:

3.4.2.1. The employee, in the presence of designated staff;

3.4.2.2. Other parties, such as legal counsel of the employee with the specific written consent of the employee; and

3.4.2.3. The employee's supervisor, only in the course for performing their job functions, on an as-needed basis.

3.5. The Secretary-Treasurer is authorized to establish fees for the retrieval and reproduction of Records.

## 4. Security of Records

4.1. Records must be dealt with in a responsible, efficient, ethical and legal manner. All district employees are expected to maintain and secure Records in a manner that respects the privacy of employees, students and students' families. Users of computer network resources should not disseminate Records to anyone not covered by a confidentiality agreement. Precautions should be taken to ensure that Records are protected from unauthorized access, use and disclosure.

### 4.2. Paper Records

4.2.1. Reasonable security precautions should be in place, such as: locked storage; removal of personal

information from work areas; proper shredding of binned material.

4.2.2. Personal information should not be discussed in any physical location that may compromise confidentiality.

4.2.3. Posting of personal information such as exam results should not contain student identifiers.

4.2.4. A “CONFIDENTIAL” warning should be listed on fax covers to prevent information from being accessed and viewed by an unauthorized party if a fax is obtained in error. Highly sensitive material should not be faxed.

4.2.5. Paper Records due for destruction should be securely shredded and disposed of.

#### 4.3. Electronic Records

4.3.1. Where Records are maintained in an electronic form, the system must include a method of producing visible and legible Records that will provide adequate information for the intended purpose of the Records.

4.3.2. Internet and internal computer network systems must be used in accordance with Regulation 2.5: “Use of School District’s Communications Systems.”

4.3.3. Security, such as passwords and data encryption, must be in place for Records stored, printed or transferred by computers and electronic mobile devices.

4.3.4. Passwords should not be shared with coworkers, nor should coworkers log in with another employee’s password.

4.3.5. Laptops and other electronic devices, such as Personal Digital Assistants, should either be kept on one’s person or be secured in safe physical storage.

4.3.6. Sensitive Records such as pictures of students or employees, or personal information such as home addresses and phone numbers, should not be transmitted, exposed on the Internet or published without consent.

### 5. Retention of Records

5.1. Management Program – Regulation – Schedule outlines the minimum length of time that Records must be retained. The schedule identifies who is responsible for their retention and destruction.

5.2. The maintenance of records for minimum periods of time is subject to the requirements of federal and provincial legislation. It is recognized that legislation as enacted may dictate other provisions and periods of time and take precedence over the time periods specified in the schedule that accompanies this regulation.

### 6. Destruction of Records

6.1. Once a Record is past the minimum period of time for retention, the person identified in Management Program – Regulation – Schedule as being responsible for the Record is authorized to destroy it once they are satisfied that the Record:

6.1.1. Is of no further use;

6.1.2. Has no historical or archival value; or

6.1.3. Is not the subject matter of litigation.

6.2. Records which contain personal or confidential information should be destroyed in a manner that retains the confidentiality of the Records.

## REGULATION AND PROCEDURES: Records - Schedule

The following retention schedule outlines the minimum amount of time that School District records must be retained and who is responsible for their retention and destruction.

## **Board Records**

*Responsibility: Secretary-Treasurer*

Board Policy	Permanent
Agendas of Regular and Special Board Meetings	Permanent
List of Electors	2 years after the year of creation
Minutes	Permanent
Notice of Meetings	1 year
Oaths and Declaration of Trustees	For term of office
Financial Disclosures	While in office or in the employ of the Board
School Trustees List	While current
Debenture and by-law register	Permanent
Debenture and coupons redeemed	6 years after the year redeemed
Contracts with Senior Staff	6 years after the year employee leaves district

## **Communications/Information and Privacy**

*Responsibility: Communications Office*

Freedom of Information Requests	2 years after the calendar year of creation
Requests to Review Freedom of Information	5 years after investigation, review, inquiry
Decisions	or adjudication is complete and order has been issued
Freedom of Information requests to correct personal information	2 years after the personal information has been updated, annotated, or request has been transferred to

another public body.

Annual Report as required by the School Act Permanent

District publications and newsletters Permanent

## **Financial Records**

*Responsibility: Director of Finance*

Annual budget and summary supporting documents Permanent

Auditor's reports Permanent

Cancelled cheques 6 years after the year of creation

Cheque duplicates, invoices 6 years after the year of creation

Requisitions, purchase orders 2 years after the year of creation

Employee Travel Claims 6 years after the year of creation

Ministry of Education financial information reports Permanent

General ledger Permanent

Invoices billed 6 years after the year of creation

Subsidiary ledgers and journals 6 years after the year of creation

Receipts issued 6 years after the year issued

Bank statements, debit and credit notes 6 years after the year of creation

Deposit books 6 years after the year of creation

Loans, authorization 6 years or term of loan, if longer

Loans, cancelled notes 6 years after the year of creation

Stop payment orders 1 year after the year of creation

## **Facilities Records**

*Responsibility: Director of Operations*

Rental of facilities	1 year after the year of rental
Appraisal and inventory records	6 years after the year of asset disposal
Authorization for expenditure of capital funds	6 years after the year capital plan completed
Building plans and specifications (with related change, guarantees, bonds, liens and valuable correspondence)	6 years after the year of asset disposal
Land titles, deeds and plans	6 years after the year of asset disposal
Mortgages and leases	6 years after expiration of term
Referenda Data (subsequent changes, orders-in-council, etc.)	6 years after the year of asset disposal

**General Records**

*Responsibility: Each Principal, Director, Senior Staff member*

General Correspondence	2 years after the year of creation
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**Human Resource Records**

*Responsibility: Director of Instruction – Human Resources*

Applications	1 year after position is filled
Job Competitions	1 year after position is filled, with selected longer retention
Collective Agreements with Unions	Permanent

Contracts with individual employees	6 years after the year employee leaves district
Employee files	6 years after the year employee leaves district
First Aid Certification	6 years after the year employee leaves the district
Leave records	6 years after the employee leaves school district
Individual grievance files	Permanent
Letters of discipline employee leaves district	According to collective agreement or 6 years after the year
Personnel File	6 years after the year employment ceases
Reference checks	1 year after position is filled
SDS	1 year after employment ceases
SDS - TOC Dispatch	1 year after employment ceases
Seniority Lists	Permanent
Support Staff Substitutes	1 year
Unsolicited resumes	6 months
Violent incident reports	6 years after the year of creation
Employee WCB forms	6 years after the year employment ceases

## **Information Systems**

*Responsibility: Director of Information Technology*

User ID's	When user is removed from the system
System Problem-Tracking	When user is removed from the system

*Responsibility: Each Principal, Director of Operations (for closed buildings)*

Video tapes	1 year after year of creation, as needed
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## **Insurance Records**

*Responsibility: Secretary-Treasurer*

Incident Reports	1 year or until finalized
Claims	6 years after claim settled for adults; 2 years after age of majority is reached for individuals under 19 years
Insurance Policies	Permanent

## **Payroll Records**

*Responsibility: Director of Finance*

Employee payroll file	6 years after the year employee leaves district
Employee payroll register	6 years after the year employee leaves district
Employee attendance records	6 years after the year employment ceases
Payroll benefits	6 years after the year employment ceases
Payroll data base	6 years after the year employment ceases
Payroll deductions	6 years after the year employment ceases

## **Purchasing Records**

*Responsibility: Each Principal, Director, Senior Staff member*

Quotations and relative correspondence	6 years after the year of creation
Purchasing contracts	6 years after the year of creation
Requisitions and purchase orders	6 years after the year of creation



