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F r e e d o m I n v o l v e s S e c u r e A l t e r n a t i v e s

MEMORANDUM

TO: ASSOCIATION OFFICES,
ALL INDEPENDENT SCHOOLS
FROM: FRED HERFST
FISA EXECUTIVE DIRECTOR

DATE: MARCH 5, 2004
RE: PERSONAL INFORMATION
PROTECTION ACT ("PIPA")

In our E-mail to you in mid-December, 2003, we stated there would be follow-up material sent dealing with personal information protection. As a service to you, FISA is pleased to present you with the following documents and information.

Model Policies

In addition to other obligations, the Personal Information Protection Act ("PIPA") requires that organizations develop and follow policies and practices that are necessary for the organization to meet its obligations under PIPA. In this regard, FISA presents you with two model policies:

- Personal Information Privacy Policy for Parents and Students
- Personal Information Privacy Policy for Employees and Volunteers

Your school is welcome to use these model policies as a basis for your own policy or, of course, you may wish to develop your own.

Use of Model Policies

The model policies have been prepared in consultation with legal counsel and are intended to reflect the needs and concerns that are common to FISA's membership. However, you

will need to tailor the policies to reflect the particular legal obligations and operational procedures of your school. For example, you will need to consider any additional uses of personal information and to ensure that such uses are appropriately reflected in the policies.

Other Obligations

Development of policies is one obligation under PIPA. Other requirements include:

- appointment of a privacy officer who is responsible for the school's compliance with PIPA
- collecting, using and disclosing personal information only with the consent of the individual (unless otherwise permitted under PIPA)
- providing individuals (including parents, students, employees and others) with access to their personal information
- safeguarding information that is in the custody of or under the control of the school
- retaining certain classes of personal information for a specified period of time
- destroying documents containing personal information (or removing the means by which the personal information can be associated with particular individuals) as soon as the purpose for which the personal information was collected is no longer being served and retention is no longer necessary for legal or business purposes

In implementing a PIPA compliance strategy and in developing privacy policies and practices that are appropriate for your school, it is important that you understand the particulars set out in PIPA. The following are some examples of matters that should be considered:

- although PIPA permits the collection, use and disclosure of "employee personal information" without the consent of the individual solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and the individual, some information about employees may not fall within such exception and,

accordingly, consent of employees may be required to collect, use or disclose such information

- although individuals are entitled to access their own personal information, organizations are required to ensure that they do not allow individuals to access personal information about others. For example, when an organization provides an individual with access to a document, the organization must remove any personal information about other individuals
- regulations issued under PIPA specify, among other things, in what circumstances a parent or guardian may give consent or obtain access on behalf of a minor and, accordingly, schools should consider in what circumstances parents are (or are not) entitled to give consent or otherwise act on behalf of students

The foregoing are examples only and are not intended to be an exhaustive list of matters that should be considered.

Further Information

FISA will be pleased to answer questions of a general nature in respect of the model policies, but any legal advice that you require must be obtained from lawyers.

For more information regarding PIPA, please refer to the information memo attached to our E-mail to you in mid-December, 2003. Additional information is available from the following resources:

- The Office of the Information and Privacy
Commissioner of British Columbia (resources available online at www.oipcbc.org/private)
- The Corporate Privacy and Information Access Branch (CPIAB)
(resources available online at www.msar.gov.bc.ca/foi_pop/Privacy/default.htm)

Your membership in FISA has made this joint development of policy possible. FISA thanks members for their support and invites non-members to apply for membership.