

Ministry of Education

Ministère de l'Éducation

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MEMORANDUM TO: Directors of Education
Supervisory Officers and Secretary-Treasurers of School
Authorities
Principals of Provincial and Demonstration Schools

FROM: Kevin Costante
Deputy Minister

DATE: March 22, 2012

SUBJECT: Access to Students' Personal Information and School
Transfers

The purpose of this memo is to ask school boards to consider how to incorporate certain practices around school staff access to students' personal information and school transfers related to school safety, detailed below, into their current procedures, while also protecting personal privacy.

In the past year, the Tripartite Teachers' Advisory Committee (TTAC) and the Support Workers' Advisory group (SWAG) provided a joint report to the Minister which included recommendations on these matters.

First, I would like to point you to the Information & Privacy Commissioner of Ontario's recently revised Guide to Ontario Legislation Covering the Release of Students' Personal Information available at: <http://www.ipc.on.ca/english/Resources/Discussion-Papers/Discussion-Papers-Summary/?id=495>. This guide provides a basic understanding of how the *Municipal Freedom of Information and Protection of Privacy Act* interacts with the *Education Act* and other Ontario legislation to protect privacy and provide access to personal information. It discusses when personal information must be disclosed and when it may be disclosed.

In addition, in the interest of helping school boards address these issues please consider the following:

Disclosure of Students' Personal Information

Given their obligation to respond to inappropriate and disrespectful student behaviour that is likely to have a negative impact on the school climate, board employees who work directly with students may need to know, for any particular student, those behaviour(s) that may present a potential risk of physical harm to school staff or students as documented as part of progressive discipline in the student's Ontario Student Record (OSR). Principals must only share the necessary information about such

behaviour as documented in the OSR with board employees, including occasional employees, who do not have access to the OSR if disclosure is necessary because those staff need the information to carry out their duties, including their duty to respond to inappropriate and disrespectful student behaviour.

Boards must maintain confidentiality of student information. Prior to disclosure, the principal must inform staff to treat any information disclosed about a student or incident, as confidential.

School Transfers Related to School Safety

In cases where students are being transferred to another school in order to preserve school safety, boards are required to coordinate a “transfer meeting” between the school that the student is being transferred from, and the receiving school. In cases where the transfer is necessary to protect a student, it is preferable that the victim not be moved. The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., referral of the student to a community agency). The meeting must include the teaching and non-teaching staff who will have regular direct contact with the student. The student that is being moved and his or her parents should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent participation at this meeting. The transfer meeting must occur prior to the day or on the day the student is transferred. When the meeting occurs on the day the student is transferred, it must occur before the student attends class. The receiving school must also be in possession of the student’s OSR prior to the transfer meeting taking place and the OSR must be available to be consulted at the meeting.

I ask that boards share this information with their principals as soon as possible. It is anticipated that this wording will be incorporated at a future date in Policy/Program Memorandum 144 – *Bullying Prevention and Intervention*, and Policy/Program Memorandum 145 - *Progressive Discipline and Promoting Positive Student Behaviour*. At that time, boards would be asked to revise their policies to reflect these changes.

The ministry appreciates the leadership and effort that boards have undertaken to support students and promote positive and inclusive schools.

If you have any questions, please contact the ministry office in your region. A contact list of managers of regional offices is attached.

Original signed by

Kevin Costante
Deputy Minister

Attachments
c. Managers, Ministry of Education Regional Offices
TTAC/SWAG Members