



Administrative Procedure 2065

Records Management

Board Governance Policy Cross Reference: 1, 9, 13, 14, 15

Administrative Procedures Cross Reference:

Records Management - Protection of Information Under the *Youth Criminal Justice Act (Canada)*

Records Management – Protection of Personal Health Information of Students

Records Management – Protection of Personal Information of Students

Records Management - Protection of Personal Information of Employees

Records Management - Protection of Personal Health Information of Employees

Records Retention and Disposition

Form Cross Reference:

Authorization for Release of Information

Pledge of Confidentiality

Legal/Regulatory Reference:

Manitoba Education - Guidelines on the Retention and Disposition of School Division/ District Records

Manitoba Education – Manitoba Pupil File Guidelines

The Freedom of Information and Protection of Privacy Act (FIPPA)

The Personal Health Information Act (PHIA)

The Public Schools Act (PSA)

The Education Administration Miscellaneous Provisions Regulation

Youth Criminal Justice Act (Canada)

Date Adopted: August 2006

Amended: May 2019

Manitoba school divisions/districts, like all public bodies, have important legislative responsibilities respecting records management and information access and privacy. The Brandon School Division acknowledges and supports these responsibilities through a series of effective Administrative Procedures for the management of Division records and the essential protection of student and employee information.

There are a number of statutes and regulations with which school divisions/districts, and their officers and staff must comply when dealing with records and when establishing policies and procedures for handling these files. These include:

The Public Schools Act (PSA)

Subsection 42.1 requires that every school board establish written procedures respecting the collection, storage, retrieval and use of information respecting pupils. Subsections 42.2 to 42.6, subsection 58.1, and clause 58.6(c) and clause 58.9(2)(c) of the PSA define the term “pupil file” and set out specific rules respecting access to pupil files by pupils and their parents and legal guardians. (See Manitoba Pupil File Guidelines - Appendix I)

The Education Administration Miscellaneous Provisions Regulation (Manitoba Regulation 468/88 under The Education Administration Act).

This Regulation describes some of the pupil information and records that school divisions/districts are required to keep. (See Manitoba Pupil File Guidelines - Appendix I).

The Freedom of Information and Protection of Privacy Act (FIPPA)

As of April 3, 2000, all school divisions/districts are “public bodies” falling under this Act. FIPPA contains provisions respecting the right of access to records in the custody or under the control of public bodies and sets out rules which must be followed by public bodies respecting the collection, use, protection, retention and disclosure of personal information. In particular, clause 3(b) of this Act requires that the transfer, storage or destruction of records be done in accordance with a statute or regulation of Manitoba or Canada, or a by-law or resolution of the school division/district.

Furthermore, with respect to personal information, subsection 40(1) of FIPPA requires that a school board establish and comply with a written policy concerning retention and destruction of personal information. Subsection 40(2) of this Act states that the policy must “require that personal information be retained for a reasonable period of time so that the individual the information is about has a reasonable opportunity to obtain access to it”. (See Manitoba Pupil File Guidelines – Appendix II)

The Personal Health Information Act (PHIA)

School divisions/districts have been trustees, within the definition of public body, falling under this Act since December 11, 1997. PHIA contains provisions respecting the right of access by an individual to their own personal health information held by a

trustee, and sets out rules which must be followed by trustees respecting the collection, use, protection, retention and disclosure of personal health information.

Section 17 of PHIA requires that a school board establish a written policy concerning the retention and destruction of personal health information, that it comply with the policy and any regulations respecting destruction under PHIA and that personal health information be destroyed in a manner that protects the privacy of the individual it is about. The Personal Health Information Regulation contains requirements respecting the security of personal health information. (See Manitoba Pupil File Guidelines - Appendix III)

Youth Criminal Justice Act (Canada) (YCJA)

The YCJA sets out rules which govern access to, and disclosure, retention and destruction of records relating to young offenders where those records are held by the courts, police, Manitoba government departments, social agencies and schools. Young offender records must be dealt with in accordance with the YCJA, even if they are part of a pupil file or of some other file or record. Manitoba statutes such as The Public Schools Act (PSA) , The Education Administration Act, The Freedom of Information and Protection of Privacy Act (FIPPA) and The Personal Health Information Act (PHIA) do not apply to young offender records. (See Manitoba Pupil File Guidelines - Appendix IV)

Links to the relevant Division Administrative Procedures and legislative requirements are provided below in order to guide staff in how to handle the personal information of students; the personal health information of students; student information that falls under the Youth Criminal Justice Act (Canada); the personal information of employees; and the personal health information of employees.

Protection of Student Information:

[Protection of Personal Information of Students](#)

[Protection of Personal Health Information of Students](#)

[Protection of Information Under the Youth Criminal Justice Act \(Canada\)](#)

Protection of Employee Information:

[Protection of Personal Information of Employees](#)

[Protection of Personal Health Information of Employees](#)

[Records Retention and Disposition](#)