

DIRECTIVE RELATING TO THE GOVERNANCE RULES OF THE SIR WILFRID LAURIER SCHOOL BOARD REGARDING PERSONAL INFORMATION

1. LEGAL FRAMEWORK

This directive is based on sections 52.2 and 63.3 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (CQLR, c. A-2.1, hereinafter the “Act”).

This directive must be read in conjunction with the guidelines, frameworks, or other tools in effect at the Sir Wilfrid Laurier School Board (hereinafter “SWLSB”) regarding the protection of personal information, including, but not limited to, the following:

- By-Law no. BL2009-CA-17: *Code of Ethics & Professional Conduct for Commissioners of the Sir Wilfrid Laurier School Board*;
- Policy no 2025-HR-12: *Code of ethics applicable to staff members and to any person required to work with minor or handicapped students or be in contact with them*;
- Policy no. 2023-CA-28: *Information Security*;
- Policy no. 2000-IT-01: *Use of Information and Communication Technology Resources Policy*.

2. DEFINITIONS

The terms used in this directive are those of the Act and other applicable legal frameworks, unless otherwise indicated.

To facilitate the understanding of this directive, the following terms mean:

Anonymized personal information	Personal information that no longer directly or indirectly identifies the Person concerned. Anonymization is irreversible. To be differentiated from depersonalized personal information, which no longer directly identifies the Person concerned without resorting to additional information. Depersonalization is reversible.
Applicant	Person submitting a request for access to documents, a request for release of personal information, or a request for correction under the Act.
Committee on Access	<i>Committee on Information Security and the Access and Protection of Personal Information</i> of the SWLSB established in compliance with the Act and policy no. 2023-CA-28: <i>Information Security</i> .
Confidentiality incident	<ol style="list-style-type: none">1. Access, use, or release of personal information not authorized by law;2. Loss of personal information;3. Any other breach of the protection of personal information.
Consent	Agreement, acquiescence, or voluntary assent given by the Person concerned for the collection, use, or release of their personal information. To be valid, subject to other legal requirements, consent must be manifest, free, and informed, and given for specific purposes. It must be requested in clear terms. Consent is valid only for the time necessary to achieve the purposes for which it is requested.

Highest authority	Director general of the SWLSB.
Person	Person covered by the scope of application of this directive, as per section 4 herein, who acts on behalf of the SWLSB in the exercise of their duties.
Person concerned	<p>Natural person concerned by the personal information collected, used, or released who is capable of giving consent or, when applicable, their legal representative or the person having parental authority.</p> <p>Without limiting the generality of the foregoing, and barring exceptions, the person having parental authority consents for a minor under the age of 14. The minor aged 14 and over or the person having parental authority consents for the minor aged 14 and over.</p>
Person in charge of access to documents	Person designated as responsible for the access to documents by the Highest authority.
Person in charge of the protection of personal information	Person designated as responsible for the protection of personal information by the Highest authority.
Personal information	Information concerning a natural person that directly or indirectly allows to identify that person.
Privacy Impact Assessment	A preventive assessment process that involves considering all the factors of a project that could have positive and/or negative consequences on the privacy of the Persons concerned, in order to identify measures that will better protect their personal information and respect their privacy.
Sensitive personal information	Personal information that, because of its medical, biometric, or other intimate nature, or because of the context in which it is used or released, gives rise to a high level of reasonable expectation of privacy.

3. PURPOSE AND OBJECTIVES OF THE DIRECTIVE

The purpose of this directive is to provide the SWLSB with governance rules regarding personal information as to enable all individuals covered by this directive to know and understand the legal requirements and the principles applicable to the protection of personal information under the Act.

It is also intended to inform any person likely to transmit personal information to the SWLSB of the rules applicable to its collection, use, release, and keeping.

Furthermore, the directive's objectives are as follows:

- Identify the roles and responsibilities of the Persons covered by this directive;
- State the legal requirements and principles governing the protection of personal information collected, used, released, and kept in the exercise of the duties of the SWLSB;
- Identify specific protective measures applicable to personal information collected or used as part of a survey;
- Establish a complaint processing mechanism regarding the protection of the personal information collected, used, released, and kept by the SWLSB;
- Describe the training and awareness activities regarding the protection of personal information offered to SWLSB personnel;

4. SCOPE

This directive applies to all SWLSB personnel (schools, centres, departments). It also applies to members of the Council of Commissioners and members of school governing boards.

It does not have the effect of limiting the guidelines, other frameworks, or directives adopted by the Council of Commissioners, the General Directorate, or the schools, centres, or departments with respect to the protection of personal information.

5. ROLES AND RESPONSIBILITIES

5.1 Highest authority

- 5.1.1 Ensure that the Act is implemented and complied with within the SWLSB;
 - 5.1.2 Exercise or delegate in writing the functions of the Person in charge of access to documents and the Person in charge of the protection of personal information. If there is delegation of functions:
 - 5.1.2.1 See to it that such exercise of functions is facilitated;
 - 5.1.2.2 Preserve the autonomy of the Persons who exercise these functions;
 - 5.1.2.3 Notify the *Commission d'accès à l'information du Québec* in writing of the title, contact information, and starting date of the Persons who exercise these functions;
 - 5.1.2.4 Transmit all written requests for access to documents and requests for release or for correction of personal information to the Persons who exercise these functions with diligence.
 - 5.1.3 Ensure that the Committee on Access is set up and functions properly;
 - 5.1.4 Adopt any directive or framework required to ensure compliance with the Act, and update them as needed.
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5.2 Committee on Access

- 5.2.1 Support the SWLSB in the exercise of its responsibilities and the performance of its obligations under the Act;
- 5.2.2 Approve the governance rules regarding personal information;
- 5.2.3 Be consulted at the beginning of any project to acquire, develop, or overhaul an information system or electronic service delivery system involving the collection, use, release, keeping, or destruction of personal information;
- 5.2.4 Suggest, at any stage of a project covered in the previous paragraph, protection measures regarding personal information that can be applicable to the project;
- 5.2.5 Exercise any other function related to the protection of personal information at the request of the Highest authority.

5.3 Person in charge of access to documents

- 5.3.1 Receive requests for access to documents and requests for release or correction of personal information, and ensure that they are processed in accordance with the provisions of the Act;
- 5.3.2 Assist the Applicant when their request is not sufficiently precise, or when they so request, in identifying the document likely to contain the information sought;
- 5.3.3 Assist the Applicant, on request, in understanding the transmitted decision;
- 5.3.4 See to it that every document that has been the subject of a request for access, release, or correction be kept for as long as is required to enable the Applicant to exhaust the recourses provided for in the Act;
- 5.3.5 Ensure that the required data is entered in the registers provided for in the Act as part of the requests for access to documents or requests for release or correction of personal information;
- 5.3.6 Provide support and advice regarding all matters relating to access to documents.

5.4 Person in charge of the protection of personal information

- 5.4.1 As necessary, coordinate Privacy Impact Assessments for SWLSB projects that require it and participate in them;
 - 5.4.2 Conduct an analysis and take position on the application of an exception provided for in the Act regarding the collection, use, release, or keeping of personal information;
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- 5.4.3 Exercise the responsibilities that may be assigned to them within the management framework or any other directive of the SWLSB;
- 5.4.4 Ensure that the required data is entered in the registers provided for in the Act as part of the personal information protection process;
- 5.4.5 Assist in establishing and maintaining a classification plan for the documents the SWLSB holds;
- 5.4.6 Handle complaints regarding the protection of personal information in accordance with this directive;
- 5.4.7 Ensure the awareness and training of Persons with respect to the protection of personal information in compliance with this directive and in collaboration with the Committee on Access;
- 5.4.8 Provide support and advice regarding all matters relating to the protection of personal information;
- 5.4.9 Exercise any other function provided for in the Act or at the request of the Highest authority.

5.5 Schools, centres, and departments

- 5.5.1 Ensure compliance with this directive by Persons under their responsibility;
 - 5.5.2 If necessary, and in collaboration with the Person in charge of the protection of personal information, identify the personal information held by their school, centre, or department and, for each category of personal information, the Persons who have access to this information;
 - 5.5.3 Implement in their school, centre, or department, personal information protection measures that are reasonable in light of, among other things, the sensitivity of the information, the purpose for which it is to be used, its quantity, distribution, and medium, and ensure that it is disseminated and applied by the Persons under their responsibility;
 - 5.5.4 Ensure that the guidelines for the management of student files and documents as well as the archiving procedures are respected in their school, centre, or department;
 - 5.5.5 Exercise the responsibilities that may be assigned to them within the management framework or any other directive of the SWLSB;
 - 5.5.6 Ensure that the training and awareness activities provided for in this directive or by the Committee on Access are offered to the Persons under their responsibility;
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- 5.5.7 Communicate with the Person in charge of the protection of personal information for any question relating to the protection of personal information in their school, centre, or department;
- 5.5.8 Quickly communicate with the Person in charge of access to documents for all requests for access to documents sent to them directly;
- 5.5.9 Collaborate, upon request, with the Person in charge of access to documents when processing a request for access to documents or a request for release or correction of personal information, with discretion and confidentiality.

5.6 Persons

- 5.6.1 Be aware of and comply with this directive, in particular the legal requirements and principles concerning the protection of personal information set out in this directive and in policy no. 2025-HR-12: *Code of ethics applicable to staff members and to any person required to work with minor or handicapped students or be in contact with them*;
- 5.6.2 Participate in the training and awareness activities provided for in this directive;
- 5.6.3 Collaborate, upon request, with the Person in charge of the protection of personal information when dealing with a complaint covered by this directive;
- 5.6.4 Communicate, as needed, with their supervisor with respect to this directive to obtain clarification or advice, or to inform them of a problem in the application of this directive or of a specific case involving the protection of personal information;
- 5.6.5 Collaborate, upon request, with the Person in charge of access to documents when processing a request for access to documents or a request for release or correction of personal information, with discretion and confidentiality;
- 5.6.6 Quickly communicate with their supervisor when they receive a request for access to documents or release of personal information.

6 LEGAL REQUIREMENTS AND PRINCIPLES CONCERNING THE PROTECTION OF PERSONAL INFORMATION

6.1 Collection

- 6.1.1 A Person shall only collect personal information that is necessary for the exercise of the rights and powers of the SWLSB or for the implementation of a program under its management;
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- 6.1.2 Any collection carried out for another purpose will be permitted in the cases provided for by law, subject to prior authorization of the Person in charge of the protection of personal information;
- 6.1.3 When personal information is collected, the Person concerned must be, among other things, informed of the purpose for which it is collected;
- 6.1.4 Any Person concerned who provides their personal information consents to its use and release for the purposes disclosed at the time of collection;
- 6.1.5 Any collection of personal information concerning a minor under 14 years of age may not be made by the minor without the consent of the person having parental authority or tutor, unless collecting the information is clearly for the minor's benefit, which will have to be confirmed beforehand with the Person in charge of the protection of personal information.

6.2 Use

- 6.2.1 A Person may use personal information for the purposes for which it was collected;
- 6.2.2 Use for another purpose will be permitted with the consent of the Person concerned or may be permitted, without the consent of the Person concerned in situations provided for in the Act, subject to prior authorization of the Person in charge of the protection of personal information;
- 6.2.3 When sensitive personal information is involved, consent must be obtained expressly;
- 6.2.4 A Person has access, without the consent of the Person concerned, to personal information when they are qualified to receive it and it is necessary for the discharge of their duties.

6.3 Release

- 6.3.1 A Person shall not release personal information without the consent of the Person concerned;
 - 6.3.2 When sensitive personal information is involved, consent must be obtained expressly;
 - 6.3.3 A Person may release personal information without the consent of the Person concerned in the cases provided for by the Act, subject to prior authorization of the Person in charge of access to documents.
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6.4 Keeping and destruction

- 6.4.1 A Person must know and apply the security measures determined by the SWLSB for every personal information to which they have access;
- 6.4.2 A Person shall take the security measures that are appropriate to ensure the protection of personal information to which they have access, and that are reasonable in light of the sensitivity of the information, the purpose for which it is to be used, its quantity, distribution, and medium;
- 6.4.3 A Person who has knowledge of a confidentiality incident must inform the Person in charge of the protection of personal information and must apply any other directive that may be given by the SWLSB in such a case;
- 6.4.4 A Person shall be aware of the guidelines for the management of student files and documents or any other measure implemented in their school, centre, or department with respect to personal information to which they have access;
- 6.4.5 A Person must follow any directive from the SWLSB to securely destroy or anonymize any personal information that is kept once the purposes for which it was collected or used have been accomplished;
- 6.4.6 The use of anonymized personal information is permitted for purposes of public interest when the purposes for which it was collected or used have been accomplished.

6.5 Particular projects

- 6.5.1 A Person responsible for a project referred to in sections 63.5, 64, 67.2.1, 68, and 70.1 of the Act (notably any project to acquire, develop, or overhaul an information system or electronic service delivery system involving the collection, use, release, keeping, or destruction of personal information – see Annex I) shall ensure that a Privacy Impact Assessment is carried out under the coordination of the Person in charge of the protection of personal information;
- 6.5.2 A Person responsible for a project referred to in sections 64, 67.2, 67.2.1, 68, and 70.1 of the Act (in summary, before releasing personal information to a person/body in certain situations, or outside of Québec – see Annex I) shall ensure that a written agreement or contract has been concluded under the direction of the Person in charge of the protection of personal information and is in force before proceeding with any collection, use, or release of personal information.

7 SPECIAL PROTECTIVE MEASURES FOR SURVEYS

7.1 Surveys Covered

- 7.1.1 This directive applies to any survey, whatever form it takes, requiring the collection or use of personal information.
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7.2 Necessity

- 7.2.1 A Person must, before beginning such a survey, assess the necessity of conducting it as part of the mission of the SWLSB;
- 7.2.2 In doing so, a Person must:
 - 7.2.2.1 Establish the purpose and objectives of the survey;
 - 7.2.2.2 Verify the possibility of conducting the survey without collecting or using personal information;
 - 7.2.2.3 Conduct an assessment of the ethical aspect of the survey, taking into account, in particular, the nature of the survey, the Persons concerned, the sensitivity of the personal information collected and the purpose for which it is to be used.

7.3 Protective Measures

- 7.3.1 A Person must also, before beginning a survey:
 - 7.3.1.1 Identify the personal information to be used, and collect and obtain the necessary authorizations;
 - 7.3.1.2 Ensure that the quantity of personal information used or collected is limited, and avoid the collection of sensitive personal information;
 - 7.3.1.3 Determine who will have access to the personal information used or collected in the course of the survey, the security measures that will be applied to ensure its protection, the length of time it will be kept, and its destruction, all in accordance with legal requirements and the principles set out in this directive;
 - 7.3.1.4 If necessary, carry out a Privacy Impact Assessment under the coordination of the Person in charge of the protection of personal information.

7.4 Approval and Consultation

- 7.4.1 Before conducting the survey, a Person must obtain the approval of the director or principal of the school, centre, or department concerned;
- 7.4.2 If necessary, the Person in charge of the protection of personal information or the Committee on Access may be consulted.

8 TRAINING AND AWARENESS ACTIVITIES

- 8.1 The school principal, centre director, or department director, in collaboration with the Person in charge of the protection of personal information, ensures that the Persons under their responsibility are made aware of the resources and trainings available regarding the protection of personal information. Trainings can relate to, for example:
 - 8.1.1 Their roles and responsibilities with regard to the protection of personal information;
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- 8.1.2 The security measures to be applied for the protection of personal information;
 - 8.1.3 The rules governing the keeping and destruction of personal information;
 - 8.1.4 The identification and management of confidentiality incidents.
- 8.2 Awareness activities can be carried out in a variety of ways (for example: trainings, discussion sessions, information capsules or e-mails, etc.);
- 8.3 If necessary, the Person in charge of the protection of personal information may identify training or awareness activities to implement for a category of Persons, a school, a centre, or a department, on the subject that they determine.

9 COMPLAINT PROCESSING

9.1 Filing a Complaint and Contents

- 9.1.1 Any person may file a complaint with the Person in charge of the protection of personal information regarding the non-compliance of the SWLSB with its obligations regarding the protection of personal information;
- 9.1.2 Such complaint should be sent by e-mail to the Person in charge of the protection of personal information at personal_information@swlauriersb.qc.ca;
- 9.1.3 The complaint must include a description of the events leading to the complaint, including the period concerned, the personal information involved, and the nature of the remedy sought;
- 9.1.4 Complaints regarding a service received, being received, ought to be received, or required from the SWLSB are not governed by this directive, but by the *Act respecting the National Student Ombudsman*.

9.2 Processing a Complaint

- 9.2.1 The Person in charge of the protection of personal information acknowledges receipt of the complaint within a reasonable time of receipt;
 - 9.2.2 The Person in charge of the protection of personal information may summarily reject any complaint that is frivolous, vexatious, or made in bad faith. The Person in charge of the protection of personal information must then inform the complainant;
 - 9.2.3 The Person in charge of the protection of personal information may refuse to process a complaint if the event has been the subject of legal proceedings, including any application before the *Commission d'accès à l'information du Québec*;
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- 9.2.4 The Person in charge of the protection of personal information may refuse to process a complaint that is not governed by this directive, and in such a case, will refer the complainant to the appropriate person or procedure, if any;
- 9.2.5 The Person in charge of the protection of personal information analyzes the complaint with diligence and transmits their response to the complainant within 20 working days of receiving it;
- 9.2.6 Where applicable, the Person in charge of the protection of personal information ensures that the appropriate corrective action is taken;
- 9.2.7 If the complaint involves the conduct of the Person in charge of the protection of personal information, it will be addressed and handled by the Secretary General of the SWLSB in accordance with this directive.

10 DISTRIBUTION

- 10.1 The Person in charge of the protection of personal information shall ensure that this directive is distributed to the schools, centres, and departments.

11 ENTRY INTO FORCE

- 11.1 This directive comes into force upon its approval by the Committee on Information Security and the Access and Protection of Personal Information of the SWLSB.
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ANNEX I – PROVISIONS OF THE ACT RELATING TO PARTICULAR PROJECTS (SECTION 6.5 OF THE DIRECTIVE)

63.5. A public body must conduct a privacy impact assessment for any project to acquire, develop or overhaul an information system or electronic service delivery system involving the collection, use, release, keeping or destruction of personal information.

For the purposes of such an assessment, the public body must consult its committee on access to information and the protection of personal information from the outset of the project.

The public body must also ensure that the project allows computerized personal information collected from the person concerned to be released to him in a structured, commonly used technological format.

The conduct of a privacy impact assessment under this Act must be proportionate to the sensitivity of the information concerned, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.

2021, c. 25, s. 15.

64. No person may, on behalf of a public body, collect personal information if it is not necessary for the exercise of the rights and powers of the body or the implementation of a program under its management.

A public body may, however, collect personal information if it is necessary for the exercise of the rights and powers or for the implementation of a program of a public body with which it cooperates to provide services or to pursue a common mission.

The collection of information referred to in the second paragraph must be preceded by a privacy impact assessment and carried out under a written agreement that is sent to the Commission. The agreement comes into force 30 days after it is received by the Commission.

The agreement must indicate

- (1) the identity of the public body collecting the information and of the public body on whose behalf it is collected;
- (2) the purposes for which the information is collected;
- (3) the nature or type of information collected;
- (4) the means by which the information is collected;
- (5) the measures for ensuring the protection of the information;
- (6) the intervals at which the information is collected; and
- (7) the duration of the agreement.

1982, c. 30, s. 64; 2006, c. 22, s. 35; 2021, c. 25, s. 16.

67.2. A public body may, without the consent of the person concerned, release personal information to any person or body if the information is necessary for carrying out a mandate or performing a contract for work or services entrusted to that person or body by the public body.

In that case, the public body must

(1) see that the mandate or contract is in writing; and

(2) specify in the mandate or contract which provisions of this Act apply to the information released to the mandatary or the person performing the contract, as well as the measures to be taken by the mandatary or person to ensure the confidentiality of the information and to ensure that the information is used only for carrying out the mandate or performing the contract and that it is not kept after the expiry of the mandate or contract. Moreover, before releasing the information, the public body must obtain a confidentiality agreement from every person to whom the information may be released unless the person in charge of the protection of personal information does not consider it necessary. A person or body carrying out a mandate or performing a contract for services referred to in the first paragraph must notify the person in charge without delay of any violation or attempted violation of an obligation concerning the confidentiality of the information released, and must also allow the person in charge to verify compliance with confidentiality requirements.

Subparagraph 2 of the second paragraph does not apply if the mandatary or the person performing the contract is another public body or a member of a professional order.

1985, c. 30, s. 8; 1990, c. 57, s. 16; 1994, c. 40, s. 457; 2006, c. 22, s. 40; 2021, c. 25, s. 22.

67.2.1. A public body may release personal information without the consent of the persons concerned to a person or body wishing to use the information for study or research purposes or for the production of statistics.

The information may be released if a privacy impact assessment concludes that

(1) the objective of the study or research or of the production of statistics can be achieved only if the information is released in a form allowing the persons concerned to be identified;

(2) it is unreasonable to require the person or body to obtain the consent of the persons concerned;

(3) the objective of the study or research or of the production of statistics outweighs, with regard to the public interest, the impact of releasing and using the information on the privacy of the persons concerned;

(4) the personal information is used in such a manner as to ensure confidentiality; and

(5) only the necessary information is released.

2021, c. 25, s. 23.

68. A public body may, without the consent of the person concerned, release personal information

(1) to a public body or an agency of another government if it is necessary for the exercise of the rights and powers of the receiving body or the implementation of a program under its management;

(1.1) to a public body or an agency of another government if it is clearly for the benefit of the person to whom it relates;

(2) to a person or a body where exceptional circumstances justify doing so;

(3) to a person or body if it is necessary for the purposes of a service to be provided to the person concerned by a public body, in particular for identifying the person.

The information may be released if a privacy impact assessment concludes that

(1) the intended objective can be achieved only if the information is released in a form allowing the person concerned to be identified;

(2) it is unreasonable to require obtaining the consent of the person concerned;

(3) the objective for which the release of the information is required outweighs, with regard to the public interest, the impact of releasing and using the information on the privacy of the person concerned; and

(4) the personal information is used in such a manner as to ensure confidentiality.

The information is released under a written agreement that indicates

(1) the identity of the public body releasing the information and of the person or body collecting it;

(2) the purposes for which the information is released;

(3) the nature of the information released;

(4) the method of transmitting the information;

(5) the security measures necessary to ensure the protection of the information;

(6) the intervals at which the information is released; and

(7) the duration of the agreement.

The agreement must be sent to the Commission and comes into force 30 days after it is received by the Commission.

1982, c. 30, s. 68; 1985, c. 30, s. 8; 2006, c. 22, s. 43; 2021, c. 25, s. 25.

70.1. Before releasing personal information outside Québec, a public body must conduct a privacy impact assessment. The body must, in particular, take into account

(1) the sensitivity of the information;

(2) the purposes for which it is to be used;

(3) the protection measures, including those that are contractual, that would apply to it; and

(4) the legal framework applicable in the State in which the information would be released, including the personal information protection principles applicable in that State.

The information may be released if the assessment establishes that it would receive adequate protection, in particular in light of generally recognized principles regarding the protection of personal information. The release of the information must be the subject of a written agreement that takes into account, in particular, the results of the assessment and, if applicable, the terms agreed on to mitigate the risks identified in the assessment.

The same applies where the public body entrusts a person or body outside Québec with the task of collecting, using, releasing or keeping such information on its behalf.

This section does not apply to a release of information under subparagraph 4 of the second paragraph of section 59 or under subparagraph 1.1 of the first paragraph of section 68. Nor does it apply to a release of information within the scope of an international commitment referred to in Chapter III of the *Act respecting the Ministère des Relations internationales* (chapter M-25.1.1), a release of information within the scope of an agreement referred to in Chapter III.1 or III.2 of that Act, or a communication of information under section 133 of the *Public Health Act* (chapter S-2.2).

2006, c. 22, s. 47; 2021, c. 25, s. 27.