



**POLICY:** EGC  
**SUBJECT:** RECORDS MANAGEMENT  
AND RETENTION  
**APPROVAL DATE:** November 1, 2004  
**REVISION DATE:** February 4, 2019  
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## **1. GENERAL**

- 1.1 In accordance with the Public Schools Act (PSA), The Education Administration Act (EAA), the Manitoba Records Retention Guidelines, the Manitoba Pupil File Guidelines, the Freedom of Information and Protection of Privacy Act (FIPPA), The Personal Health Information Act (PHIA), the Youth Criminal Justice Act (YCJA) and related Division policies, the Winnipeg School Division (WSD) shall collect and maintain records as defined in this policy. All records shall be the property of WSD.
- 1.2 WSD recognizes the rights of students, staff, parents/guardians, and the public to have access to information in accordance with the policies of WSD and applicable legislation.
- 1.3 The collection, use, protection, retention, disposition, and/or disclosure of information shall be in accordance with the provisions of the Freedom of Information and Protection of Privacy Act, the Personal Health Information Act, the Young Offenders Act, including Manitoba Pupil File Guidelines and WSD policies and other applicable legislation.
- 1.4 WSD shall preserve the confidentiality of all personal information and personal health information in its possession in accordance with legislative requirements and WSD policies.

## **2. RECORDS MANAGEMENT**

WSD shall maintain school board, administrative, financial, Human Resources, personnel administration, payroll, school administration, building/properties, transportation and student records and shall manage these records based on established procedures including information classification, maintenance, retention, retrieval, protection, preservation and systematic disposition.

## **3. DEFINITIONS**

### **3.1 Records**

- 3.1.1 Records shall be defined as any type of recorded information or image created or received by any WSD staff in schools or administrative departments or the Board of Trustees, regardless of physical form or characteristics.
- 3.1.2 Records include, but are not restricted to, administrative files, personnel and student records (which include Pupil files) in both paper and electronic formats, including photographs, maps, microfilms, audio/visual tapes/disks, and information maintained on a computer system. Working copies or drafts of documents are also considered records.
- 3.1.3 Records also include a copy of a record and a part of a record.

### **3.2 Permanent Records**

Permanent records include any record which has been identified as having an enduring value. They may be of permanent significance to the School Division WSD for their legal, physical, fiscal or administrative value.

Permanent Records may also be of historical and/or cultural importance to a wide range of people including former students, teachers, local historians, academics, genealogists and the general public.



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### 3.3 Electronic Records

Electronic records shall be defined as information created, recorded, stored, received and/or manipulated in any digitized configuration on any electronic technology system or device including stand-alone and networked computers, email and voice mail messages, spreadsheets or database documents, digital media and audio-visual.

### 3.4 Personal Information (FIPPA)

Personal Information as governed by the Freedom of Information and Protection of Privacy Act (FIPPA) is defined as any recorded information about an identifiable individual including name, home address, telephone number, age, gender, gender identity, sexual orientation, marital status, race, ethnic origin, religion, personal health information, blood type, political beliefs, education, employment, occupational history, income, financial position, criminal history, and identifying numbers or symbols assigned to the individual. Personal Information includes information collected and recorded through interviews, questionnaires, surveys, in writing, by audio/videotaping, using electronic or other media, photographs and notes. Personal information also includes opinions about the individual, or held by the individual unless they are about another person.

### 3.5 Personal Health Information (PHIA)

Personal Health Information as governed by the Personal Health Information Act (PHIA) is defined as any recorded information, including electronic information, about an identifiable individual relating to that person's health or health care history, the provision of health care to the individual, payment for health care provided to that individual, and the individual's Personal Health Information Number (PHIN).

### 3.6 Personal Information (PIPEDA)

3.6.1 The Personal Information and Protection of Electronic Documents Act (PIPEDA) is federal legislation that governs the collection, use and disclosure of personal information in the course of commercial activities.

3.6.2 Under PIPEDA, Personal Information is defined as information about an identifiable individual, but does not include the name, title, business address, or telephone number of a staff member of an organization. Personal information is not limited to recorded information and can include verbal information.

3.6.3 Commercial activity means any particular transaction, act or conduct or any regular course of conduct that is of commercial character including the selling, bartering or leasing of donor, membership or other fundraising lists.

### 3.7 Disposition

Disposition of a record means the transfer of a WSD record to WSD or Provincial archives, transfer to another education authority in accordance with Student Records Policy JO, or destruction of the record.

### 3.8 Destruction

Destruction of a record means the process of eliminating or deleting the record beyond any possible reconstruction.



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### 3.9 Archives

Archives shall be defined as an in-house or external agency responsible for the protection of permanent records no longer required for operational purposes of WSD. Records are maintained in environmentally sound storage conditions, serviced by knowledgeable staff, and made available to the public under access conditions determined by provincial legislation or WSD policy.

### 3.10 Minimum Retention

The time period recommended in Exhibit EGC-E(1) for the retention of WSD records, before the records are either destroyed or transferred to an archive for permanent preservation. (Note: WSD may decide to retain records longer than the minimum retention period time to accommodate preference or need).

## 4. **RESPONSIBILITIES**

### 4.1 Chief Superintendent/Chief Executive Officer (CEO)

The Chief Superintendent/CEO or designate is responsible for the ongoing management of WSD records as follows:

- a) notifying appropriate staff of the records management procedures and providing direction for the orderly retention and disposal of records;
- b) providing orientation and ongoing training sessions for staff and external agencies about the policy and procedures and their personal duty of care with regard to WSD records;
- c) establishing procedures for the transfer of permanent records to the designated archives;
- d) maintaining control logs showing the disposal of all records;
- e) ensuring that all records are disposed of in accordance with the retention period and disposal actions in the records schedule and that any breach of security is recorded and corrective action is taken.

### 4.2 FIPPA Officer

In accordance with By-law No. 1065, the Secretary-Treasurer/Chief Financial Officer (CFO) shall be assigned as the Access and Privacy Officer under the Freedom of Information and Protection of Privacy Act (FIPPA) and, as such, is responsible for the overall direction of access to information and protection of privacy functions within WSD, and for ensuring that the collection, use and disclosure of personal information is in accordance with the provisions of FIPPA/PHIA and applicable legislation.

The Secretary-Treasurer/CFO shall be responsible for

- a) the maintenance and control of the corporate records of WSD as required under the Public Schools Act.
- b) conducting an audit of WSD's records management security safeguards at least every two years and for taking steps to correct any deficiencies identified as soon as practicable.
- c) developing provisions for the recording of security breaches and establishing corrective procedures to address security breaches.



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#### 4.3 FIPPA Coordinator

In accordance with By-law No. 1065, the Board and Community Liaison Officer shall be assigned as the Access and Privacy Coordinator under the Freedom of Information and Protection of Privacy Act (FIPPA) and is responsible for receiving applications for access to records, for the day-to-day administration of FIPPA and for providing assistance respecting the collection, correction, use, protection and disclosure of personal information in accordance with the provision of FIPPA/PHIA and applicable legislation.

The Board and Community Liaison Officer will ensure that all records are disposed of in accordance with the retention period and disposal actions in the records schedule and that any breach of security is recorded and corrective action is taken.

#### 4.4 Superintendents of Education Services, Directors, School Administrators and Building Managers shall be responsible for:

- a) the implementation and ongoing administration of this policy in their department, school or building.
- b) assigning responsibility for maintenance of files under their jurisdiction, including a file index for easy retrieval, retention, disposition, and destruction in accordance with WSD policies.
- c) taking reasonable precautions to protect WSD records from fire, theft, vandalism, deterioration, accidental destruction or loss, or other hazards.
- d) limiting use and disclosure of personal information and/or personal health information to the minimum amount necessary to those staff or agents who need to know the information to carry out the purpose for which the information was collected or received.
- e) ensuring that personal information or personal health information provided to a provider of information technology services is protected by a written agreement covering such risks as unauthorized access, use, disclosure or destruction.
- f) advising staff on an annual basis of their responsibilities for ensuring the accuracy and protection of WSD records in their possession and the protection of privacy under WSD policy and provincial and federal legislation.

#### 4.5 Staff

- 4.5.1 Staff are responsible for the accuracy and safekeeping of WSD records in their possession and for the confidentiality of personal and personal health information in accordance with WSD policy and applicable legislation.
- 4.5.2 Staff with access to personal information and personal health information must sign the Pledge of Confidentiality as set out in Exhibit EGC-E(2) that includes an acknowledgment that they are bound by the WSD's policy and procedures regarding personal health information and is aware of the consequences of breaching them.



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## **5. RETENTION AND DISPOSITION OF RECORDS**

- 5.1 WSD records, including archived records, are to be maintained in an environmentally sound storage condition, serviced by knowledgeable staff, and made available to the public under access conditions determined by provincial legislation or WSD policy.
- 5.2 Unless otherwise specified in WSD policy, all WSD records shall be retained for the minimum time period identified in the Manitoba Education, Citizenship and Youth *Guidelines on the Retention and Disposal of School Division's/District's Records*, before the records are either destroyed or transferred to archives for permanent preservation.
- 5.3 Student records shall be retained and disposed of in accordance with Policy JO – Student Records.
- 5.4 Personnel records shall be retained and disposed of in accordance with Policy GBL – Personnel Records.
- 5.5 All WSD records shall be disposed of in accordance with the respective policy/procedure as soon as possible after the retention period has expired.
- 5.6 Record disposal shall be achieved either through the systematic and controlled destruction of records or the transfer of records to an archive in accordance with the respective policy/procedure.

## **6. ACCESS TO WSD RECORDS**

- 6.1 In accordance with the Freedom of Information and Protection of Privacy Act (FIPPA) WSD shall allow public access to information under certain conditions, shall allow individuals to access records concerning their own personal information and to make corrections to that information, and shall control the manner in which personal information is collected and protected.

In accordance with the Personal Health Information Act (PHIA) WSD shall allow individuals the right to examine and receive a copy of personal health information about themselves and to request corrections to that information, shall control the manner in which the personal health information is collected, and shall protect individuals against the unauthorized use, and/or disclosure of personal health information.

- 6.2 Access to WSD records shall be in accordance with the provisions of the Public Schools Act; the Education and Administration Act Miscellaneous Provision Regulations; the Freedom of Information and Protection of Privacy Act; the Personal Health Information Act, the Youth Criminal Justice Act Division Policies and other applicable legislation.
- 6.3 Access to student information shall be in accordance with Division Policies and applicable legislation.
- 6.4 Access to information on individual staff shall be in accordance with Division Policies and other applicable legislation.
- 6.5 In accordance with the Freedom of Information and Protection of Privacy Act (FIPPA), access will not be granted to records/notes of a quasi-judicial nature, teaching materials or research information, examination/tests questions, or other records excluded by other legislation.
- 6.6 Requests for access to information that includes personal information or business interests of third parties shall be referred to the FIPPA Coordinator.