

Office of the Information and Privacy Commissioner (OIPC): Investigator's Recommendations Regarding BCTF Collection of Student Support Information

Background

Further to @issue bulletin No. 2009-16, dated May 1, 2009, we became aware that the British Columbia Teachers' Federation (BCTF), arising from their recent Annual General Meeting, had launched an initiative with respect to the collection of information regarding the services and supports that are being provided to students.

Teachers in several districts were asked to complete forms listing the names of students and any supports that they are, or in the teacher's view should be, receiving. It was our understanding that teachers were advised to provide these completed forms to principals and/or staff representatives.

On Friday June 19, 2009, an investigator of the Office of the Information and Privacy Commissioner issued a letter to the BCTF advising that the Information and Privacy Commissioner of BC had launched an investigation into the BCTF's instruction to teachers to gather personal information about their students' support requirements and provide same to BCTF staff representatives. The letter was copied to all district Superintendents. A copy of the letter is also attached for your reference.

OIPC Investigator's Recommendations

The purpose of the investigation was to determine if the BCTF and its representatives were authorized to collect student personal information under the *Personal Information Protection Act* (PIPA). The PIPA sets out requirements with respect to how private sector organizations may collect, use, disclose, and secure personal information. The BCTF is subject to the privacy requirements set out in the PIPA. In addition, individual teachers must comply with the *Freedom of Information and Protection of Privacy Act*, since their employers, the various boards of education, are subject to this Act.

The investigator found that the BCTF staff representatives were collecting, from teachers, information about their students' specialized support needs. The information consisted of the student's name and associated support requirement. The intent of the initiative was to address what the BCTF felt was a lack of resources available for student support needs.

The investigator concluded that the BCTF and its representatives are not authorized, under PIPA, to collect student personal information for this purpose. The investigator has recommended that BCTF immediately stop collecting student personal information.

The investigator also advised boards of education that principals should not accept this information from BCTF staff representatives as BCTF staff representatives do not have the authority under PIPA to collect the information.

What Does This Letter Mean?

The letter from the OIPC means that a teacher may not disclose to his or her staff representative any information that identifies individual students, by name or otherwise, along with the supports those students are or, in the teacher's view, should be receiving.

The investigator's recommendations do not apply to the longstanding practice of the sharing of student personal information between teachers and principals as required by the *School Act* for the purpose of delivering the education program (e.g., for providing teaching and other educational services to students, and evaluating and assessing student progress and development).

Next Steps

The BCTF have provided their interpretation of the OIPC letter in recent communications. They continue to hold the view that the union is provided considerable latitude regarding the collection of student information. We believe the direction provided in the investigator's recommendations is clear and provides appropriate and necessary limits.

Please contact your district labour relations liaison with any questions concerning the interpretation or operation in practice of the investigator's recommendations, or if you believe any violations of the investigator's recommendations have occurred.

Attachment