

## **BCTF Collection of Student Support Information**

It has come to our attention that the British Columbia Teachers' Federation (BCTF), arising from their recent Annual General Meeting, has 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 have been asked to complete forms listing the names of students and any supports that they are, or in the teacher's view should be, receiving. We understand that teachers are being advised to provide these completed forms to principals and/or staff representatives.

We have today provided a letter to the BCTF advising that school districts are bound by the provisions of the *Freedom of Information and Protection of Privacy Act* (the Act), which addresses the collection, use, and disclosure of personal information. School districts and their employees may not collect, use, or disclose personal information other than as is permitted under the Act. Information about any support that a student is or should be receiving is the personal information of that student. As employees of school districts, teachers are also bound by the provisions of the Act.

In our view, the Act does not permit a teacher to disclose to his or her staff representative any information that identifies individual students, either by name or otherwise, along with the supports that those students are or, in the teacher's view should be, receiving. If teachers continue to provide students' personal information to staff representatives or other union officials, we may need to seek clarification on the issue from the Office of the Information and Privacy Commissioner.

A copy of the "Elementary Teacher Report Form" and "Secondary Teacher Report Form" is attached for your reference. If this initiative is underway in your district, following are template letters that your district may consider providing your local president and teachers.

### **Template Letter to Local President re Student Data Collection**

I write with respect to the initiative arising out of the 2009 BCTF AGM to collect information regarding the services and supports that are being provided to students.

It has come to our attention that some teachers have been asked to complete forms listing the names of students and any supports that they are, or in the teacher's view should be, receiving. We understand that teachers are to provide these completed forms to principals and/or staff representatives.

School districts are bound by the provisions of the *Freedom of Information and Protection of Privacy Act* (the Act), which addresses the collection, use, and disclosure of personal information. School districts and their employees may not collect, use, or disclose personal information other than as is permitted under the Act. Information about any supports that a student is or should be receiving is the personal information of that student. As employees of school districts, teachers are also bound by the provisions of the Act.

In our view, the Act does not permit a teacher to disclose to his or her staff representative any information that identifies individual students, either by name or otherwise, along with the supports that those students are or, in the teacher's view, should be receiving. If teachers continue to provide students' personal information to staff representatives or other union officials, the school district may be forced to seek clarification on the issue from the Office of the Information and Privacy Commissioner.

We note as well that there may be additional concerns, not specifically noted in this letter, that arise from the contemplated collection, use, and disclosure of this information. We note further that, in some circumstances, the contemplated action may place teachers at risk of employment consequences. We trust that you have advised your members accordingly.

### **Template Letter to Teachers re Student Data Collection**

I write with respect to the initiative arising out of the 2009 BCTF AGM to collect information regarding the services and supports that are being provided to students.

It has come to our attention that some teachers have been asked to complete forms listing the names of students and any supports that they are or, in the teacher's view, should be receiving. We understand that teachers have been instructed to provide these completed forms to principals and/or staff reps.

School districts are bound by the provisions of the *Freedom of Information and Protection of Privacy Act* (the Act), in particular regarding the collection, use, and disclosure of personal information. School districts and their employees may not collect, use, or disclose personal information other than as is permitted under the Act. Information about any supports that a student is or should be receiving is the personal information of that student. As employees of school districts, teachers are also bound by the provisions of the Act.

In our view, the Act does not permit a teacher to disclose to his or her staff representative any information that identifies individual students, either by name or otherwise, along with the supports that those students are or, in the teacher's view, should be receiving. Teachers must not provide such information to staff representatives or other union officials in a way that identifies individual students.

We note as well that there may be additional concerns, not specifically noted in this letter, that arise from the contemplated collection, use, and disclosure of this information. We note further that, in some circumstances, teachers who provide students' personal information to the union may be at risk of employment consequences.

If you have any concerns, please do not hesitate to contact me.

### **Questions**

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA labour relations liaison.

Attachment: Elementary Teacher Report Form  
Secondary Teacher Report Form