

<p style="text-align: center;">STRAIT REGIONAL SCHOOL BOARD <i>Excellence in Lifelong Learning</i></p> <p style="text-align: center;"><i>POLICIES AND GUIDELINES</i></p>	<p style="text-align: center;">STUDENTS IV-A-5</p>
	<p style="text-align: center;">Student Records Youth Criminal Justice Act Records Management</p>
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Youth Criminal Justice Act Records Management

Policy Statement

It is the policy of the ***Strait Regional School Board*** that school involvement with the Youth Criminal Justice Act (YCJA) be guided by:

1. Access to information provided under the YCJA is restricted to approved personnel who have a 'need to know'. The Director of Programs and Student Services or designate will make this approval decision. Utmost in this process is the need to maintain the balance between the school board's need to know, particularly with regards to maintaining safety, and the young person's right to privacy.
2. Information provided under the YCJA is to be filed and stored under secure conditions and separate from any other record the school may have with regard to the young person.
3. Ongoing relationships between justice system personnel and school board personnel are strongly encouraged.

Schools or school boards may obtain information related to section 125(6), (7), and (8) of the *Youth Criminal Justice Act*, which states the following:

125 (6) The provincial director a youth worker, the Attorney General, a peace officer or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the supervision or care of a young person—including a representative of any school board or school or any other educational or training institution—any information contained in a record kept under sections 114 to 116 if the disclosure is necessary to:

- (a) ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;
- (b) ensure the safety of staff, students or other persons; or
- (c) facilitate the rehabilitation of a young person.

125 (7) A person to whom information is disclosed under subsection (6) shall

- (a) keep information separate from any other record of the young person to whom the information relates;
- (b) ensure that no other person has access to the information except if authorized under this Act, or if necessary for the purposes of subsection (6); and
- (c) destroy their copy of the record when the information is no longer required for the purpose for which it was disclosed.

125 (8) No information may be disclosed under this section after the end of the applicable period set out in subsection 119(2) (period of access to records).

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Definitions

Youth criminal justice record means all recorded information pertaining to the federal *Youth Criminal Justice Act* and services or programs from the criminal justice system in which a student is identified.

The **youth criminal justice record** may include the following:

- court documents including probation documents
- restorative justice plans or plans describing extrajudicial measures
- all case conference notes and notes pertaining to extrajudicial measures under the *Youth Criminal Justice Act*
- all other records in which a student is identified as being investigated or convicted or as receiving programs or services under this Act

•**young person** - according to the *Youth Criminal Justice Act*, a young person is (or appears to be) between 12 and 18 years of age, or a person over 18 years of age who was found guilty of an offence under the *Youth Criminal Justice Act*.

•**YCJA** - the *Youth Criminal Justice Act, Bill C-7* which replaces the *Young Offenders Act*.

•**a report** - a Pre-Sentence Report (prepared by a youth worker to assist the court in determining a sentence or court order) or a progress report.

•**justice system personnel** - people employed by the municipal, provincial or federal government, who are responsible for youth justice. This may include a youth worker, or provincial director, for example.

Guidelines

1. **Non-disclosure of Youth Criminal Justice Records**

Despite the provisions in the *Freedom of Information and Protection of Privacy Act* that protect personal information, the provisions in the *Youth Criminal Justice Act* that safeguard the disclosure of information concerning young persons override those FOIPOP protection provisions. School personnel responsible for student records management should always be very aware of these privacy and non-disclosure provisions.

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2. Transfer of Youth Criminal Justice Record

In the event a young person currently under the provision of the YCJA transfers from a school, the school principal will notify the Director of Programs and Student Services who will notify the Director of Community Corrections, Department of Justice, and request direction as to the transfer of the YCJA Record. Further disclosure of the YCJA Record will be in accordance with the YCJA and Department of Justice policies, procedures and practices.

3. Accidental Loss or Destruction of Youth Criminal Justice Records

In the event of accidental loss or destruction of any youth criminal justice records, the Director of Community Corrections, Department of Justice, must be notified immediately, who will then direct a course of action.

4. Retention and Destruction of Youth Criminal Justice Records

Youth Criminal Justice Records should be retained and destroyed in accordance with Section 119 (2) clause 125 (7)(c) and Section 128 of the YCJA. If the retention and destruction periods are not noted on the record, principals should consult with the Director of Programs and Student Services.

5. Access to Youth Criminal Justice Record

Please refer to **Appendix A: Access to Student Information and Student Records** contained in Policy IV-A-3, **Access to Student Information and Student Records**.

6. The Strait Regional School Board has established a set of procedures to guide all aspects of this policy. Please refer to PRO IV-A-5.

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