

<p style="text-align: center;"><b>STRAIT REGIONAL SCHOOL BOARD</b> <i>Excellence in Lifelong Learning</i></p> <p style="text-align: center;"><b>POLICIES AND GUIDELINES</b></p>	<p><b>STUDENTS</b> <span style="float: right;"><b>IV-A-3</b></span></p>
	<p><b>STUDENT RECORDS</b> <b>ACCESS TO STUDENT INFORMATION AND STUDENT RECORDS</b></p>
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## ACCESS TO STUDENT INFORMATION AND STUDENT RECORDS

### Policy Statement

Access to student information and student records shall be in accordance with the provisions of all pertinent legislation and policy including, but not limited to, the *Education Act* [S 26 (q) and (s); S 146 (1)(y)] and *Regulations Under the Act* (Consolidated August 2006), *Special Education Policy Manual* (Policy 2.9), the *Freedom of Information and Protection of Privacy (FOIPOP) Act*, the Nova Scotia Department of Education Student Records policy (August 2006), the *Youth Criminal Justice Act*, the *Adoption Information Act*, *Children and the Family Services Act* and all other applicable legislation and policies.

### Guidelines

#### General Guidelines

- Procedures for accessing student information and student records are contained in **Appendix A, Access to Student Information and Student Records** attached to this policy.
- Access to student records is restricted to on-site viewing in schools under the direct supervision of the principal or designate.
- When school board personnel and representatives from outside agencies exchange information on students, the form in **Appendix B, Permission for the Exchange and/or Release of Information** must be completed.
- All requests for copies of student records, including telephone requests, must be supported by written documentation. Each request must be accompanied by a completed faxed copy of **Appendix C, Consent to Photocopy a Student Record (2006)** and proof of identification (e.g, photocopy of driver's license, birth certificate, passport).
- Schools may charge applicants for photocopying expenses as per the current copy rate.
- All copies made of student records must be documented in the student record. Please refer to **Appendix C: Consent to Photocopy a Student Record (2006)**.
- Access may be given on a "need to know" basis. The principal will determine the "need to know" by assessing relevance to program delivery, provision of services and the safety and security of students, staff and other members of the school community. The principal may consult with the Director of Programs and Student Services in defining "need to know", on a case-by-case basis.

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- Access to student information and student records should only be provided in accordance with **Appendix A, Accessing and Releasing Student Information and Student Records.**

FOIPOP Guidelines

- Questions regarding access to personal information on students should be directed to the Board's FOIPOP Administrator.
- In instances where there has been a breach of personal student information, the FOIPOP Administrator should be contacted immediately.
- If Board- or school-generated reports in the student confidential record had been originally provided to parents/guardians, then the parents/guardians do not need to initiate the FOIPOP process to gain access to these reports. For example, assessment reports. Parents/guardians are required to complete **Appendix C: Consent to Photocopy a Student Record (2006).**
- If the parents/guardians request a report generated by a third party, the request must be made by the parent/guardian to the source of the report (e.g., IWK, private clinic).
- Any questions regarding the release of sensitive information from the student confidential record, (e.g., personal information about a third party: personal information that may potentially harm a student's well being or psychological health) should be relayed from the school principal to the Board's FOIPOP Administrator.
- The Board shall be guided in the setting of fees by the provisions of the *Freedom of Information and Protection of Privacy Act* and *Regulations* thereto.
- Requests for access to student confidential records should be handled by the school principal in consultation with the Board's FOIPOP Administrator.
- Schools may obtain copies of the FOIPOP **consent form for access request** through the FOIPOP process. This form may be accessed at <http://www.foipop.ns.ca/content/Forms/form%201.pdf>.

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### Justice Guidelines

- Inquiries related to the Youth Criminal Justice Act record must be relayed to the Director of Programs and Student Services.
- Subject to Board policy, information (not records) about any student in relation to an alleged offence should be provided to law enforcement agencies if the school principal is satisfied that the law enforcement agency has provided evidence that it is investigating an incident, or series of incidents, that involves a violation of law and from which charges may be laid.
- **When access is requested through a search warrant**, school principals should follow the board's policy as outlined in **Appendix A, Access to Student Information and Student Records**.
- Upon receipt of a subpoena, school personnel shall notify their immediate supervisor and seek legal advice via the Director of Programs and Student Services. If and when records are provided under a subpoena to a legal proceeding, a complete copy of the records will be retained by the school until the original file is returned. Upon return of the original, the file copy of the student records should be shredded in a secure manner.

### **Location Requirements for Access for Viewing to Student Records**

A school board in carrying out its role in having custody and control of student records must ensure that the original student records not be removed from the school's record keeping system or database. Exceptions include when a student record has been transferred, subpoenaed for a court hearing, or when it is required by the Minister or representative of the Minister or the superintendent or representative of the superintendent as authorized under the *Education Act*. When a school board has decided to give access for viewing to student records, the school board must limit the viewing to the school board premises **while under the direct supervision of the principal or designate**.

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**Appendix A: Access to Student Information and Student Records\***

Type of Record	Access by Whom	Process	Authority
<b>Cumulative record</b>	Student under 19 years	No consent required	<b>subs. 5(3) FOIPOP Act</b>
	Student 19 years and over	No consent required	<b>subs. 5(3) FOIPOP Act</b>
	Parent of students under 19 years	No consent required if in the care of that parent	<b>subs. 5(3) FOIPOP Act</b>
	Parent of students 19 years and over	Consent of student required	<b>cl. 27(a) and (b) FOIPOP Act</b>
	Student's teacher	Where necessary for his/her work	<b>cl. 26(c) and 27(f) FOIPOP Act</b>
	<b>Any teacher in the same school</b>	Where necessary for his/her work	<b>cl.26(c) and 27(f) FOIPOP Act</b>
	Specialist teacher, APSEA teachers, guidance counsellor, student services personnel	Where necessary for his/her work	<b>subs. 5(3) FOIPOP Act for APSEA Teachers;  cl. 26(c) and 27(f) FOIPOP Act for others</b>
	Third party (student's legal counsel)	Consent of parent if child in care of that parent and under 19 years. If student is over 19 years, or not in care of that parent, consent of student.	<b>cl. 27(b) FOIPOP Act</b>

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Type of Record	Access by Whom	Process	Authority
	All other third parties	Written consent of parent if child in care of that parent and under 19 years. If student is over 19 years, or not in care of that parent, written consent of student; subpoena, FOIPOP process or advice of board legal counsel.	<b>cl. 43(d), 20(4)(a), .27(a),(b) and (e) FOIPOP Act</b>
<b>Confidential record</b>	Student under 19 years	FOIPOP process**	<b>cl. 27(a) FOIPOP Act</b>
	Student 19 years and over	FOIPOP process**	<b>cl. 27(a) FOIPOP Act</b>
	Parent of students under 19 years	FOIPOP process**	<b>cl. 27(a) FOIPOP Act</b>
	Parent of students 19 years and over	FOIPOP process including written consent of student	<b>cl. 20(4)(a) and 27(a) FOIPOP Act</b>
	Student's teacher	The principal considers "need to know" and provides access as appropriate	<b>cl. 27(f) FOIPOP Act</b>
	<b>Any teacher in the same school</b>	The principal considers "need to know" and provides access as appropriate	<b>cl. 26(c) and 27(f) FOIPOP Act</b>
	Specialist teacher, APSEA teachers, guidance counsellor, student services personnel	The principal considers "need to know" and provides access as appropriate	<b>For APSEA Teachers subs. 5(3) FOIPOP Act; For others cl. 26(c) and 27(f) FOIPOP Act</b>

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Type of Record	Access by Whom	Process	Authority
	Third party (student's legal counsel)	FOIPOP process including written consent of both student (age appropriate as determined by principal/designate) and parent if child is under 19 years and in the care of the parent; <b>the student if the student is over 19 years, or not in care of the parent.</b>	<b>Cl. 27(a) and 20(4)(a) FOIPOP Act</b>
	All other third parties	Subpoena; FOIPOP process unless a copy of the record has been provided to the parent or student previously and parent or student who has previously received the record has consented in writing, or advice of board legal counsel	<b>cl. 27(a),(b), and (e) FOIPOP Act;</b> <b>subs. 5(3) FOIPOP Act;</b> <b>cl. 20(4)(a) FOIPOP Act</b>
<b>Youth criminal justice record</b>	Student under 19 years	YCJ Act process***	<b>Sections 110-129 YCJ Act</b>
	Student 19 years and over	YCJ Act process	<b>Sections 110-129 YCJ Act</b>
	Parent of students under 19 years	YCJ Act process	<b>Sections 110-129 YCJ Act</b>
	Parent of students 19 years and over	YCJ Act process	<b>Sections 110-129 YCJ Act</b>
	Student's teacher	The principal considers "need to know" under Section 125 (6)(a)(b)(c) of YCJ Act and provides access as appropriate	<b>Sections 110-129 YCJ Act</b>

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Type of Record	Access by Whom	Process	Authority
	Any teacher	The principal considers “need to know” under Section 125 (6)(a)(b)(c) of YCJ Act and provides access as appropriate	<b>Sections 110-129 YCJ Act</b>
	Specialist teacher, APSEA teachers, guidance counsellor, student services personnel	The principal considers “need to know” under Section 125 (6)(a)(b)(c) of YCJ Act and provides access as appropriate	<b>Sections 110-129 YCJ Act</b>
	Third party (student’s legal counsel)	YCJ Act process	<b>Sections 110-129 YCJ Act</b>
	All other third parties	YCJ Act process	<b>Sections 110-129 YCJ Act</b>
<b>Student record (all or specific parts requested)</b>	Law enforcement agencies	Search warrant or with explanation of lawful investigation purposes	<b>Sections 110-129 YCJ Act</b>
	Officer designated under the <i>Children and Family Services Act</i> (CFSA)	With proper identification	<b>Sections 110-129 YCJ Act</b>
	Minister of Education or designate	By written request to the superintendent	<b>Sections 110-129 YCJ Act</b>
	Superintendent or designated school board officials	By request from the superintendent to the principal	<b>Sections 110-129 YCJ Act</b>

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\* See 5(iii) Access and Transfer for the provisions governing the references to this appendix. For clarity board staff are encouraged to consult with the board official responsible for the applicable legislation.

\*\* A FOIPOP application would not be required when a parent of a student requests an additional copy of a record which had previously been given to the parent. A FOIPOP application would be necessary when:

- a record contains personal information about a third party, such as another student
- when the disclosure of the record may potentially harm the student's well-being or psychological health
- the principal considers the information sensitive.

A principal who thinks that a FOIPOP application may be required should contact their FOIPOP administrator for advice.

\*\*\* The YCJA process requires a formal request in writing to Community Corrections, Correctional Services Division, N.S. Department of Justice. Access to YCJA records, or information contained in the records “that would identify the young person to whom it relates,” is restricted to those authorized to receive access to such records under the Youth Criminal Justice Act. These persons include the offender, his parents under certain circumstances, the offenders counsel, and others specifically authorized. The only exception to the requirement to follow this process is where the school board, school, or other educational or training institution has determined that disclosure is necessary to ensure the safety of staff, students, or other persons... In such cases, the municipal police service or the RCMP as well as Community Corrections should be notified immediately. ONLY if these agencies are unable to act upon the matter, and the danger to the safety of staff, students, or other persons, is imminent and the situation is an emergency, “other persons” may be notified to ensure their safety.



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**Appendix B: Permission for the Exchange and/or Release of Information**

<b>Form - PSS-9</b>	
<p><b>Strait Regional School Board</b>  Programs and Student Services  16 Cemetery Road, Port Hastings, NS B9A 1K6  Telephone: 902-625-2191/1-800-650-4448/Fax: 902-625-2281</p>	
<p><b><u>PERMISSION FOR THE EXCHANGE AND/OR RELEASE OF INFORMATION</u></b></p>	
<p>As parent/guardian of _____</p>	
<p>Whose birth date is _____  <span style="margin-left: 150px;">(Day)</span> <span style="margin-left: 50px;">(Month)</span> <span style="margin-left: 50px;">(Year)</span></p>	
<p>and attends _____  <span style="margin-left: 150px;">(Name of School)</span></p>	
<p>I hereby give permission for an exchange of information concerning my son/daughter between the Strait Regional School Board and _____</p>	
<p>The following information will be exchanged: _____  _____  _____</p>	
<p>I understand that this information is to be sent to _____  _____</p>	
<p>and shall be used solely for the purpose of educational programming for my son/daughter.</p>	
<p>_____  <b>Date</b></p>	<p>_____  <b>Signature of Parent(s)/Guardian(s)</b></p>
	<p>_____  <b>Witness</b></p>

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**Appendix C: Consent to Photocopy a Student Record (2006)**

**STUDENT INFORMATION:**

Student Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Provincial student number: \_\_\_\_\_

DD/MM/YYYY

**I hereby request a photocopy of the following information (please be specific):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**STUDENT RECORDS REQUESTED BY:**

Name (please print): \_\_\_\_\_

Relationship to student: \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Signature for consent by parent/guardian:** \_\_\_\_\_

Date that the photocopies were requested: \_\_\_\_\_

DD/MM/YYYY

**STUDENT RECORDS COPIED:**

**Authorized school signature:** \_\_\_\_\_

Date that the photocopies were completed: \_\_\_\_\_

DD/MM/YYYY

**Note:** Schools may charge applicants for photocopying expenses as per the current copy rate.

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