



DIRECTIVE RELATING TO THE GOVERNANCE RULES OF THE RIVERSIDE SCHOOL BOARD REGARDING PERSONAL INFORMATION

(Adopted at DCM on October 7, 2024)

1. LEGAL FRAMEWORK

This directive is based on sections 52.2 and 63.3 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (CQLR, c. A-2.1, hereinafter “ARA”).

This directive must be read in conjunction with the guidelines, frameworks or other tools in effect at Riverside School Board regarding the protection of personal information.

2. PURPOSE AND OBJECTIVES OF THE DIRECTIVE

The purpose of this directive is to provide the Riverside School Board with governance rules regarding personal information to enable all persons covered by this directive to know and understand the legal requirements and protection of personal information principles applicable under the ARA.

It is also intended to inform any person likely to transmit personal information to the Riverside School Board of the rules applicable to its collection, use, release and keeping.

The directive’s objectives are as follows:

- Identify the roles and responsibilities of the individuals covered by this directive;
- State the legal requirements and principles governing the protection of personal information collected, used, released and kept in the exercise of the duties of the Riverside School Board;
- Identify specific protective measures applicable to personal information collected or used as part of a survey;
- Establish a complaints processing mechanism regarding the protection of the personal information at the Riverside School Board;
- Describe the training and awareness activities regarding the protection of personal information offered to Riverside School Board personnel members.

3. SCOPE

This directive applies to all Riverside School Board personnel (schools, centres, services). It also applies to members of the Council of Commissioners, members of school councils and members of the various committees of the Riverside School Board.

It does not have the effect of limiting the guidelines, other frameworks or directives adopted by the Council of Commissioners, the General Management or the principals of schools or centres with respect to the protection of personal information.

4. DEFINITIONS

The terms used in this directive are those of the ARA and other applicable legal frameworks, unless otherwise indicated.

To facilitate understanding of this directive, the following terms mean:

<p>Committee on Access</p>	<p>Committee on access to information and the protection of personal information of the Riverside School Board of the person in charge of access to documents, the person in charge of the protection of personal information (<i>to be completed according to the composition of the SSC/SB Committee on Access</i>).</p>
<p>Commission</p>	<p>Commission d'accès à l'information du Québec</p>
<p>Consent</p>	<p>Agreement, acquiescence, voluntary assent of an authorized person to the collection, use or release of personal information. To be valid, subject to other legal requirements, consent must be manifest, free, enlightened and given for specific purposes. It must be requested in clear terms. It is valid only for as long as is necessary to achieve the purposes for which it is requested.</p>
<p>Privacy Impact Assessment</p>	<p>A preventive assessment process that consists of considering all the factors of a project that could have positive or negative consequences on the privacy of the people concerned, in order to identify measures that will better protect their personal information and respect their privacy.</p>
<p>Confidentiality Incident</p>	<ol style="list-style-type: none"> 1. Access not authorized by law to personal information 2. Use not authorized by law of personal information 3. Release not authorized by law of personal information 4. Loss of personal information 5. Any other breach of the protection of such information
<p>Person</p>	<p>Person covered by the scope of application of this directive acting on behalf of Riverside School Board in the exercise of their duties.</p>

<p>Authorized person</p>	<p>Natural person concerned by the personal information collected, used or released who is capable of giving consent, or when applicable, his or her legal representative or the person having parental authority.</p> <p>Without limiting the generality of the foregoing, and barring exceptions, the person having parental authority consents for a minor under the age of 14.</p> <p>The minor aged 14 and over or person having parental authority consents for the minor aged 14 and over.</p>
<p>Highest Authority</p>	<p>Director General</p>
<p>Personal information</p>	<p>Information concerning a natural person that directly or indirectly enables that person to be identified.</p>
<p>Anonymized personal information</p>	<p>Personal information for which it is at all times reasonable to foresee in the circumstances that it will no longer make it possible, in an irreversible manner, to directly or indirectly identify the person concerned.</p>
<p>Depersonalized personal information</p>	<p>Personal information that no longer directly identifies the person concerned.</p>
<p>Sensitive personal information</p>	<p>Personal information that, because of its medical, biometric or other intimate nature, or because of the context in which it is used or released, gives rise to a high reasonable expectation of privacy.</p>
<p>Person in Charge</p>	<p>Person designated as person in charge of access to documents and protection of personal information.</p>
<p>Applicant</p>	<p>Person submitting a request for access to documents, a request for release of personal information or a request for correction under the ARA.</p>

5. ROLES AND RESPONSIBILITIES

5.1 Highest Authority

- 5.1.1. Exercise or delegate in writing the functions of Person in Charge (*ref.: section 8 ARA*);
- 5.1.2. If they delegate their functions as Person in Charge:
 - 5.1.2.1. See to it that such exercise of functions is facilitated for the Person in Charge (*ref.: section 8 ARA*);
 - 5.1.2.2. Implement measures to preserve the autonomy of the Person in Charge (*ref.: section 8 ARA*);
 - 5.1.2.3. As soon as possible, notify the Commission in writing of the title, contact information and starting date of the person who exercises the function of Person in Charge (*ref.: section 8 ARA*);
 - 5.1.2.4. Transmit all written requests for access to documents, requests for release or requests for correction to the Person in Charge with diligence (*ref.: sections 43, 94 ARA*);
- 5.1.3. Ensure that the Committee on Access is set up and functions properly (*ref.: section 8.1 ARA*);
- 5.1.4. Establish, by directive, the terms and conditions under which information may be released without the consent of the persons concerned, in order to prevent an act of violence, including suicide, by members of the personnel (*ref.: section 59.1 ARA*);
- 5.1.5. Adopt the governance rules and any other directive or framework required to ensure compliance with the ARA and update them as needed.

5.2. Committee on Access

- 5.2.1. Support the Riverside School Board in the exercise of its responsibilities and the performance of its obligations under the ARA (*ref.: section 8.1 ARA*);
- 5.2.2. Approve the governance rules regarding personal information (*ref.: section 63.3 ARA*);
- 5.2.3. Be consulted at the beginning of any project to acquire, develop or overhaul an information system or the electronic service delivery system involving the collection, use, release, keeping or destruction of personal information (*ref.: section 63.5 ARA*);
- 5.2.4. Suggest, at any stage of a project covered by section 5.2.3, personal information protection measures applicable to the project (*ref.: section 63.6 ARA*);
- 5.2.5. Suggest, at any stage of a project covered by section 5.2.3, personal information protection measures applicable to the project (*ref.: section 63.6 ARA*);
- 5.2.6. Exercise any other function related to the protection of personal information at the request of the highest authority.

5.3. Person in Charge

- 5.3.1. Receive requests for access to documents, release or correction of personal information, ensure that they are processed in accordance with the provisions of the ARA, including the transmission of any notice required by the ARA, and render a decision within the time limits prescribed (*ref.: sections 45 to 52, 97 to 102 ARA*);
- 5.3.2. Assist the applicant when their request is not sufficiently precise, or when they so request, in identifying the document likely to contain the information sought (*ref.: sections 42 and 95 ARA*);
- 5.3.3. Assist the applicant, on request, in understanding the transmitted decision (*ref.: sections 50 and 100 ARA*);
- 5.3.4. See to it that every document that has been the subject of a request for access, release or correction be kept for as long as is required to enable the applicant to exhaust the recourses provided for in the ARA (*ref.: sections 52.1 and 102.1 ARA*);
- 5.3.5. Coordinate and participate as required in Privacy Impact Assessments for Riverside School Board projects that require it;
- 5.3.6. Analyze and take position on the application of an exception provided for in the ARA regarding the collection, use, release or keeping of personal information;
- 5.3.7. Where applicable, oversee the drafting of a mandate, agreement or contract between the Riverside School Board and a person or body involving personal information for which they are responsible, when required by the ARA;
- 5.3.8. Exercise the responsibilities vested in them by the Directive Respecting Roles and Responsibilities in the Event of a Confidentiality Incident of the Riverside School Board;
- 5.3.9. Ensuring that the required data is set up, maintained and entered in the various registers provided for in the ARA (*ref.: sections 41.3, 60, 60.1, 63.8, 63.11, 64, 65.1, 67.3, 91 ARA*);
- 5.3.10. Establish and keep up to date, in collaboration with principals of schools, of centres, an inventory of its personal information files, including in particular, the categories of persons who have access to each file in carrying out their duties (*ref.: section 76 ARA*);
- 5.3.11. Set up and keep up to date the classification plan for the documents it holds (*ref.: section 16 ARA*);
- 5.3.12. Handle complaints regarding the protection of personal information in accordance with this directive;
- 5.3.13. Ensure the awareness and training of Persons with respect to the protection of personal information in compliance with this directive;
- 5.3.14. Ensure the development, implementation and dissemination of tools, templates, reference documents or other materials to promote compliance with the ARA by the Riverside School Board and the Persons;
- 5.3.15. Provide support and advice on all matters relating to access to documents or to the protection of personal information;
- 5.3.16. Act as a representative with other public bodies and the Commission for all matters relating to access to documents and the protection of personal information;
- 5.3.17. Exercise any other function provided for in the ARA or at the request of the highest authority.

5.4. Administration of Schools, Centres and Services

- 5.4.1. Ensure compliance with this directive by Persons under their responsibility;
- 5.4.2. Identify, for their school, centre or service, the personal information it holds;
- 5.4.3. Identify the categories of Persons or Persons under their responsibility who have access to personal information, as well as the categories of personal information that are accessible to them;
- 5.4.4. Implement in their school, centre or service, personal information protection measures that are reasonable in light of, among other things, the sensitivity of the information, the purpose for which it is to be used, its quantity, distribution and medium, and ensure that it is disseminated and applied by the Persons under their responsibility;
- 5.4.5. Subject to the preservation calendar of the Riverside School, or any applicable law, implement in their school, centre or service a procedure for the secure destruction of personal information when the purposes for which it was collected or used have been achieved (*ref.: section 73 ARA*);
- 5.4.6. Exercise the responsibilities assigned to them in accordance with the Directive Respecting Roles and Responsibilities in the Event of a Confidentiality Incident of the Riverside School Board;
- 5.4.7. In collaboration with the Person in Charge, ensures that the training and awareness activities provided for in this directive are offered to the Persons under their responsibility and that they participate in them;
- 5.4.8. Collaborate with the Person in Charge to develop, implement and disseminate tools, model documents, reference documents or other materials to promote compliance with the ARA in their school, centre or service;
- 5.4.9. Communicate, as required, with the Person in Charge for any question relating to requests for access to documents or the protection of personal information in their school, centre or service.

5.5. Persons

- 5.5.1. Be aware of and comply with this directive, in particular the legal requirements and principles concerning the protection of personal information set out in this directive;
- 5.5.2. Participate in the training and awareness activities provided for in this directive;
- 5.5.3. Use tools, model documents, reference documents or any other documents made available to them to promote compliance with applicable rules, where appropriate;
- 5.5.4. Collaborate, upon request, with the Person in Charge when processing a request for access to documents, release or correction of personal information or any other similar procedure under the ARA;
- 5.5.5. Collaborate, upon request, with the Person in Charge when dealing with a complaint covered by this directive;
- 5.5.6. Communicate, as needed, with their supervisor with respect to this directive to obtain clarification, advice or to inform him or her of a problem in the



application of this directive or of a specific case involving the protection of personal information.

6. LEGAL REQUIREMENTS AND PRINCIPLES CONCERNING THE PROTECTION OF PERSONAL INFORMATION

6.1. Collection

- 6.1.1. A Person shall only collect personal information that is necessary for the exercise of the rights and powers of the Riverside School Board or for the implementation of a program under its management (*ref.: section 64 ARA*).
- 6.1.2. Any collection carried out for another purpose will be permitted in the cases provided for by law and must be authorized in advance by the Person in Charge.
- 6.1.3. Generally, the information is collected from the person concerned, or his or her representative, and the following information must be provided (*ref.: section 65 ARA*):
 - 6.1.3.1. The name of the public body on whose behalf the information is being collected;
 - 6.1.3.2. The purposes for which the information is collected;
 - 6.1.3.3. The means by which the information is collected;
 - 6.1.3.4. The fact that a reply is obligatory, or that it is optional;
 - 6.1.3.5. The consequences in case of a refusal to reply to the request or, as the case may be, a withdrawal of consent to the release or use of information collected following an optional request;
 - 6.1.3.6. The rights of access and correction provided by the ARA;
 - 6.1.3.7. Where applicable, any other information required by the ARA and applicable to the situation in question;
- 6.1.4. Any person who provides their personal information in the course of collection under the ARA consents to its use and release for the purposes disclosed at the time of collection (*ref.: section 65.0.2 ARA*);
- 6.1.5. If the collection is performed from the person concerned using technology that includes functions allowing the person concerned to be identified, located or profiled, the person concerned must be informed beforehand:
 - 6.1.5.1. Of the use of such technology;
 - 6.1.5.2. Of the means offered to activate the functions that allow a person to be identified, located or profiled (*ref.: section 65.0.1 ARA*);
- 6.1.6. Any collection of personal information concerning a minor under 14 years of age may not be made from him or her without the consent of the person having parental authority or of the tutor, unless collecting the information is clearly for the minor's benefit (*ref.: section 64.1 ARA*). In this case, the Person in Charge must be informed in advance;
- 6.1.7. Any collection of personal information when offering to the public a technological product or service having privacy settings must be carried out in such a way that those settings provide the highest level of confidentiality by default, without any intervention by the person concerned. This does not apply to privacy settings for browser cookies (*section 63.7 ARA*).

6.2. Use

- 6.2.1. A Person may use personal information for the purposes for which it was collected (*ref.: section 65.1 ARA*);
- 6.2.2. Use for another purpose will be permitted with the consent of the authorized person (*ref.: section 65.1 ARA*);
- 6.2.3. Wherever possible, such consent should be obtained expressly, preferably in writing;
- 6.2.4. However, when sensitive personal information is involved, consent must be obtained expressly (*ref.: section 65.1 ARA*);
- 6.2.5. Use for another purpose may be permitted, without the consent of the authorized person, in situations provided for in the Act (*ref.: section 65.1 ARA*);
- 6.2.6. Any other use based on an exception provided for by law must be authorized in advance by the Person in Charge;
- 6.2.7. A Person has access, without the consent of the authorized person, to personal information when he or she is qualified to receive it and it is necessary for the discharge of their duties (*ref.: section 62 ARA*);
- 6.2.8. When personal information is used to render a decision based exclusively on an automated processing of such information, the Person responsible for the decision must inform the person concerned accordingly not later than the time at which he or she informs him or her of the decision. This Person must also, at the request of the person concerned, inform him or her:
 - 6.2.8.1. Of the personal information used to render the decision;
 - 6.2.8.2. Of the reasons and the principal factors and parameters that led to the decision;
 - 6.2.8.3. Of his or her right to have the personal information used to render the decision corrected;
 - 6.2.8.4. Of his or her right to submit observations to a Person who is in a position to review the decision (*ref.: section 65.2 ARA*).

6.3. Release

- 6.3.1. A Person shall not release personal information without the consent of the authorized person (*ref.: section 59 ARA*);
- 6.3.2. Wherever possible, consent should be obtained expressly, preferably in writing;
- 6.3.3. However, when sensitive personal information is involved, consent must be obtained expressly (*ref.: section 59 ARA*);
- 6.3.4. A Person may release personal information without the consent of the person concerned in the cases provided for by law (*Ref.: section 59 ARA*), taking into account, where applicable, any internal framework measures that may exist at the Riverside School Board;
- 6.3.5. The release of personal information without the consent of the authorized person in the cases provided for by law must be authorized in advance by the Person in Charge.

6.4. Keeping and Destruction

- 6.4.1. A Person must know and apply the security measures determined by the Riverside School Board for each personal information to which he or she has access (*ref.: section 63.1 ARA*);
- 6.4.2. Failing this, a Person shall take such security measures as are appropriate to ensure the protection of personal information to which they have access, and as are reasonable in light of the sensitivity of the information, the purpose for which it is to be used, its quantity, distribution and medium (*ref.: section 63.1 ARA*);
- 6.4.3. A Person who has knowledge of a confidentiality incident must apply the Directive Respecting Roles and Responsibilities in the Event of a Confidentiality Incident of the Riverside School Board;
- 6.4.4. When a Person becomes aware or has reasonable cause to believe that the personal information kept by them is no longer up to date, accurate and complete for serving the purposes for which it was collected or used, they shall promptly notify their school, centre or service management so that appropriate action can be taken (*ref.: section 72 ARA*);
- 6.4.5. A Person shall be aware of and apply the keeping calendar (time period and manner prescribed) of the Riverside School Board or any other similar measure implemented in his or her school, centre or service with respect to personal information to which he or she has access (*ref.: section 73 ARA*);
- 6.4.6. Failing this, a Person must take measures to securely destroy any personal information he or she keeps once the purposes for which it was collected or used have been accomplished. Such measures must be reasonable in light particularly of the sensitivity, quantity and medium of the personal information concerned (*ref.: section 73 ARA*);
- 6.4.7. The use of anonymized personal information is permitted for purposes of public interest, when the purposes for which it was collected or used have been accomplished and with the authorization of the Person in Charge (*ref.: section 73 ARA*).

6.5. Particular Projects

- 6.5.1. A Person responsible for a project hereinafter mentioned shall ensure that a Privacy Impact Assessment is carried out under the coordination of the Person in Charge and that all conditions set out in the ARA with respect to such project are complied with:
 - 6.5.1.1. Any project to acquire, develop or overhaul an information system or electronic service delivery system involving the collection, use, release, keeping or destruction of personal information (*ref.: section 63.5 ARA*);
 - 6.5.1.2. Collection of personal information for another public body if it is necessary for the exercise of the rights and powers or for the implementation of a program of the public body with which it cooperates to provide services or to pursue a common mission (*ref.: section 64 ARA*);
 - 6.5.1.3. Release of personal information without the consent of an authorized person for study or research purposes or for the production of statistics (*ref.: section 67.2.1 ARA*);

- 6.5.1.4. Release of personal information without the consent of an authorized person:
 - 6.5.1.4.1. To a public body or an agency of another government if it is necessary for the exercise of the rights and powers of the receiving body or the implementation of a program under its management;
 - 6.5.1.4.2. To a public body or an agency of another government if it is clearly for the benefit of the person to whom it relates;
 - 6.5.1.4.3. To a person or a body where exceptional circumstances justify doing so;
 - 6.5.1.4.4. To a person or body if it is necessary for the purposes of a service to be provided to the person concerned by a public body, in particular for identifying the person (*ref.: section 68 ARA*);
- 6.5.1.5. Release of personal information outside Québec (*ref.: section 70.1 ARA*);
- 6.5.2. A Person responsible of a project hereinafter mentioned shall ensure that a written agreement or contract has been concluded under the direction of the Person in Charge and is in force before proceeding with any collection, use or release of personal information:
 - 6.5.2.1. The situations referred to in sections 6.5.1.2, 6.5.1.3, 6.5.1.4 and 6.5.1.5 of this directive;
 - 6.5.2.2. Release personal information without the consent of the authorized person to any person or body if the information is necessary for carrying out a mandate or performing a contract for work or services entrusted to that person or body by the public body (*ref.: section 67.2 ARA*).

7. SPECIAL PROTECTIVE MEASURES FOR SURVEYS

7.1. Surveys Covered

- 7.1.1. Only a survey involving the use or collection of personal information is covered by this directive;
- 7.1.2. Where applicable, all types of survey (e.g. opinion, satisfaction, service quality measurement, market research) are covered, whatever their form (e.g. individual or group interview, questionnaire survey, automated survey).

7.2. Necessity

- 7.2.1. A Person must, before beginning a survey, assess the necessity of conducting the survey as part of the mission of the Riverside School Board.
- 7.2.2. In doing so, a Person must:
 - 7.2.2.1. Establish the purpose and objectives of the survey;
 - 7.2.2.2. Verify the possibility of conducting the survey without using or collecting personal information;



- 7.2.2.3. Conduct an assessment of the ethical aspect of the survey, taking into account, in particular, the nature of the survey, the persons concerned, the sensitivity of the personal information collected and the purpose for which it is to be used, with the support of a person with knowledge of ethics, if necessary.

7.3. Protective Measures

- 7.3.1. A Person must also, before beginning a survey:
 - 7.3.1.1. Identify the personal information to be used and obtain the necessary authorizations;
 - 7.3.1.2. Ensure that the quantity of personal information used or collected is limited and avoid the collection of sensitive personal information;
 - 7.3.1.3. Determine who will have access to the personal information used or collected in the course of the survey, the security measures that will be applied to ensure its protection, the length of time it will be kept and destroyed, all in accordance with legal requirements and the principles set out in this directive;
 - 7.3.1.4. If necessary, carry out a Privacy Impact Assessment.

7.4. Approval and Consultation

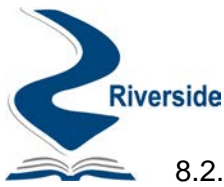
- 7.4.1. Before conducting the survey, a Person must obtain the approval of the management of the school, centre or service concerned;
- 7.4.2. The Person in Charge or the Committee on Access may be consulted.

8. TRAINING AND AWARENESS ACTIVITIES

8.1. Training and Awareness Activities

- 8.1.1. When a Person begins work, and as needed thereafter, their superior must provide them a copy of this directive and the Directive Respecting Roles and Responsibilities in the Event of a Confidentiality Incident of the Riverside School Board and provide him or her with the information needed to understand them;
- 8.1.2. On an annual basis, the school, centre or service management, in collaboration with the Person in Charge, ensures that the Persons under their responsibility are made aware of the requirements and principles surrounding the protection of personal information, for example:
 - 8.1.2.1. Their roles and responsibilities with regard to the protection of personal information;
 - 8.1.2.2. The security measures for the protection of personal information;
 - 8.1.2.3. The rules governing the keeping and destruction of personal information;
 - 8.1.2.4. The identification and management of Confidentiality Incidents;
- 8.1.3. Awareness activities are carried out in a variety of ways: training, discussion sessions, e-mail information capsules, etc.

8.2. Others



- 8.2.1. If necessary, the Person in Charge may identify training or awareness activities that need to be implemented for a category of people, a school, a centre or a service, on one or more subjects that he or she determines.

9. COMPLAINTS PROCESSING

9.1. Filing a Complaint and Contents

- 9.1.1. A person may file a complaint with the Person in Charge regarding the non-compliance of the Riverside School Board with its obligations regarding the protection of personal information;
- 9.1.2. Such complaint should be preferably sent by e-mail to the following address: jmclaren@rsb.qc.ca;
- 9.1.3. The complaint must include a description of the event leading to the complaint, including the period concerned, the personal information involved, and the nature of the remedy sought;
- 9.1.4. If the complaint involves the conduct of the Person in Charge, it will be addressed and handled by the director general in accordance with section 9.2.

9.2. Processing a Complaint

- 9.2.1. The Person in Charge acknowledges receipt of the complaint within a reasonable time of receipt;
- 9.2.2. The Person in Charge may summarily reject any complaint that is frivolous, vexatious or made in bad faith. He or she must then inform the person who lodged the complaint;
- 9.2.3. The Person in Charge may refuse to process a complaint if the event has been the subject of legal proceedings, including any application before the Commission;
- 9.2.4. The Person in Charge analyses the complaint with diligence and transmits his or her conclusion to the person who lodged the complaint within 30 days of receiving it;
- 9.2.5. Where applicable, the Person in Charge ensures that the appropriate corrective action is taken.

10. DISTRIBUTION

- 10.1. The Person in Charge shall ensure that this directive is distributed to the various administrative units.

11. ENTRY INTO FORCE

- 11.1. This directive was approved by the Privacy Committee on June 10, 2024 and at DCM on October 7, 2024.
- 11.2. This directive comes into force on October 7, 2024.



