

FOIP Considerations

There are three pieces of legislation in Alberta that apply to the Student Record:

- [Education Act](#)
- [Student Record Regulation](#)
- [Freedom of Information of Protection of Privacy Act](#) (FOIP Act)

The FOIP Act governs how public bodies in Alberta collect, use, and disclose personal information. Under section 38 of the Act, public bodies must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or destruction. Each jurisdiction should decide what reasonable security arrangements look like for them in relation to the digitization of students records, but the following are some FOIP-related issues to consider:

Access to Information in a Student Record

Section 7(2)(b) of the Student Record Regulation permits employees or agents of a board to review an OSR. Section 7(2)(c) of the Regulation permits the Minister of Education to access information from a student record for the purpose of carrying out any program or policy under the Minister's administration.

Section 40(1)(h) of the FOIP Act allows a board to share personal information with its employees if the information is necessary for the performance of their duties.

However, section 39(4) of the FOIP Act also specifies that a board may use personal information only to the extent necessary to enable it to carry out its purpose in a reasonable manner. This means that employees can view a student record if it is directly related to their work.

The PASI repository for digitized student records allows different avenues of access by school jurisdictions, students and parents, and third-parties.

Jurisdiction Access

If a student is enrolled in your school jurisdiction, then you will be able to see their entire digitized OSR in PASI. A jurisdiction will have access to a student's OSR as soon as a student is enrolled or pre-enrolled with that jurisdiction.

An "enrolled" student can be seen by more than one jurisdiction if enrolled in two places. If there is a priority school conflict, which occurs when a student has an active registration at more than one school, both schools would be able to access and view that

student's OSR but only the school that uploaded a document to PASI will be able to edit or delete that document.

When a student transfers out of your jurisdiction and enrolls in a different school jurisdiction, you will only be able to see the documents you uploaded to the digitized OSR while the student was enrolled in your jurisdiction in PASI. Those documents are referred to as “linked-to-organization” documents (*i.e.*, progress reports, IPPs, *etc.*) Other jurisdictions will be able to change the relevancy of a linked-to-organization document but will not be able to delete it. Linked-to-organization documents can only be deleted by the jurisdiction who uploaded (“owns”) them. The exception is Document Type Identity documents (*i.e.*, birth certificates, citizenship documents, *etc.*) which attach to the student not the jurisdiction that uploaded them.

Permissions to view the digital OSR are granted and managed by a jurisdiction's PASI Coordinator and are cumulative, meaning you need one level of access to get the next. PASI Coordinators are also responsible for removing access and should do so quickly when an employee leaves the jurisdiction, changes locations, or changes roles.

The access options are:

- **View:** a user can see all students in a school (contact information and learning needs)
- **Contribute:** a user can add documents to the OSR and edit those uploaded documents
- **Manage:** a user can manage and edit documents added by users in their jurisdiction
- **Bulk:** is highest level, allows uploading of documents in bulk (with or without a waybill).

Right now most jurisdictions have processes in place in relation to paper OSRs and their Student Information Systems (*i.e.*, PowerSchool, Maplewood, *etc.*) to ensure staff only have access to the information they require – they can view the OSR of students in their class only, for example.

In the PASI repository, access cannot be narrowed to classroom level or even grade level. The tightest level of access is an entire school. All teachers would have access to the entire OSR of every student in the school. PASI chose this level of permission by relying on teacher professionalism, however, it is important for jurisdictions to ensure all staff with access to digital OSRs have received FOIP training so they understand their responsibilities around the collection, use, and disclosure of personal information of students.

Student & Parent Access

The OSR in PASI cannot be accessed by students or parents via their MyPass log in. If students or parents request documents from the OSR, jurisdictions can pull those documents from the digital OSR in PASI and provide them to the student or parent, if the parent is permitted to view the OSR pursuant to section 7(2) of the Student Record Regulation and section 84(e) of the FOIP Act.

Third-Party Access

Alberta Student Link is the avenue for third-parties to request access to the digital OSR. PASI designed it for out-of-province school jurisdictions to request OSRs for students who have transferred to their jurisdiction, but it can also be used by healthcare professionals, lawyers, *etc.*, to request student records. It is not meant to be the way parents obtain access to records from their students' OSR.

When a third-party makes a request for records through Alberta Student Link, the jurisdiction in which the student is enrolled will receive an alert in PASI Prep. The jurisdiction receives the name and contact information of the third-party so they can verify whether the third-party is authorized to have access to the requested records.

If a jurisdiction approves a third-party's request to access records, Alberta School Link will send a secure link to the third-party. The secure link will be valid for 14 days to allow the third-party to download the records they desire. After 14 days the third-party will need to request access again through Alberta Student Link.

Access to records through Alberta Student Link is all or nothing. If a third-party is given access they can see and download every record in the student's digital OSR. It is not possible to pick and choose what a third-party requestor can and cannot view and download. For example, if the third-party is seeking report cards and attendance records, access through Alberta Student Link would also allow them to download identification documents (*i.e.*, citizenship papers, parent work visa, *etc.*) or custody orders, psychological-education assessments, *etc.*

School jurisdictions should **exercise extreme caution** when verifying and approving a third-party request for access to an OSR. Jurisdictions can choose to deny a third-party's request for access through Alberta Student Link, and instead choose to provide the relevant documents to the third-party themselves. This would control and restrict the access a third-party would have to a student's OSR.

School jurisdictions can look up third-party requests made through Alberta Student Link and see a list of requestors who were granted access, which records they downloaded and when, as well as requestors who were denied access and why. Through MyPass, students can see if someone was approved for access to their record. The third-party's name, organization, and when access was granted would be visible to the student.

FOIP Requests - Custody and Control of Records

The FOIP Act allows, subject to limited and specific exceptions set out in the Act, individuals to:

1. request access records in the custody or under the control of a public body in Alberta; and
2. request access to personal information about themselves that is held by a public body.

Even though OSRs will be scanned and stored in the PASI repository, and retention will be handled by PASI, when a student is enrolled with a jurisdiction that jurisdiction manages the records in an OSR and is considered to have custody and control of the records. That jurisdiction, and not PASI, will be responsible for responding to requests for information made under the FOIP Act.