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## PRIVACY POLICY SAMPLE

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NB: The following sample is being shared to assist First Nations schools in establishing thorough and effective policies. This sample can be adapted to reflect local circumstances, if necessary. This sample is not being offered as legal advice.

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### PRIVACY POLICY

[NAME OF FIRST NATIONS SCHOOL]

[school logo]

At [Name of First Nations School], we recognize the importance of privacy in relation to personal information we receive from our students, staff, families, volunteers and members of the community. We attempt to ensure the accuracy, confidentiality and security of such information. This policy describes in general terms the principles we apply when protecting personal information in our custody or control.

## 1. Definitions

**“Personal Information”** means information about an identifiable individual and includes employee or volunteer personal information, subject to applicable exceptions. Personal information does not include business contact information or work product information.

**“Collection”** means the act of gathering, acquiring, or obtaining personal information from any source, by any means.

**“Consent”** – involves voluntary agreement with what is being done or proposed. Consent may be express or implied.

**“Express consent”** signifies that an individual, knowing what personal information is being collected and for what purposes, willingly agrees to the information being collected, used and disclosed as notified. It may be given in writing or verbally.

**“Implied consent”** exists when an individual is “deemed” to consent to collection, use or disclosure of personal information if the individual voluntarily provides it for a purpose that would, at the time, be considered obvious to a reasonable person.

## 2. Accountability

2.1 The [Name of First Nations School] is responsible for the confidentiality of personal information in its custody or under its control in compliance with the applicable privacy legislation.

2.2 The [Name of First Nations School] has appointed a Privacy Officer to be responsible for implementing the privacy program.

2.3 Members of the [Name of First Nations School] community (including [Name of First Nations School] employees and volunteers) are responsible for day-to-day compliance with our Privacy Policy.

## 3. Consent

3.1 The [Name of First Nations School] will collect, use or disclose personal information only with knowledge and consent, except where required or permitted by law.

3.2 Consent may be implied in some situations while express consent is required for the collection, use and sharing of confidential and sensitive information. The [Name of First Nations School] reserves the right to disclose information where required or permitted by law.

3.3 Consent may be withdrawn at any time, on reasonable notice, subject to legal or contractual restrictions.

#### **4. Identifying Purposes**

4.1 The [Name of First Nations School] will always endeavor to communicate the purposes for which personal information is collected at or before the time the information is collected.

4.2 Generally, the [Name of First Nations School] collects personal information for the following reasons:

- i. To develop, manage and deliver an educational program and related community and recreational services at [Name of First Nations School];
- ii. To meet regulatory and reporting requirements of governmental authorities or funding providers;
- iii. To hire, manage and terminate staff.

#### **5. Limiting Collection, Use, Disclosure and Retention**

5.1 The [Name of First Nations School] will limit collection of personal information to what is necessary for the purposes for which it is collected.

5.2 The [Name of First Nations School] will always collect personal information by fair and lawful methods.

5.3 Personal information will only be used or disclosed for the purpose for which it was collected, except with the individual's consent or as required or permitted by law.

5.4 Personal information will be retained only as long as necessary for fulfillment of the purposes for which it was collected, or as required or permitted by law.

#### **6. Safeguards**

The [Name of First Nations School] protects personal information by ensuring security safeguards appropriate to the sensitivity of the information are in place, including through the use of the following measures:

6.1 Physical (i.e. locked filing cabinets, restricted access, appropriate security measures when disposing of personal information)

6.2 Organizational (i.e. security clearances, access only on a "need to know" basis)

6.3 Technological (i.e. passwords, firewalls, data disconnection from the Internet, and regular backups) and training of employees and volunteers.

#### **7. Accuracy**

7.1 The [Name of First Nations School] will make reasonable efforts to ensure that personal information is as accurate, complete and current as required for the purposes for which it was

collected. In some cases, the [Name of First Nations School] relies on individuals to ensure that certain information, such as an individual's home telephone number, is current, complete, and accurate.

7.2 From time to time the [Name of First Nations School] may contact the individual to ensure that the information collected is or remains accurate and up-to-date.

## **8. Right of Access**

8.1 The [Name of First Nations School] is open about the policies and procedures it uses to protect personal information. Any inquiries may be made to our Privacy Officer.

8.2 Upon written request, the [Name of First Nations School] will within a reasonable time period, tell the individual what personal information it has, for what purposes it is being used, and to whom it has been disclosed if applicable and within the time period for which records are available.

8.3 Individuals may challenge the accuracy and completeness of their information and have it amended if it is inaccurate, incomplete or out-of-date.

8.4 In certain circumstances, the [Name of First Nations School] may refuse to disclose personal information, including:

- i. where required by law, certain personal information may not be disclosed;
- ii. where the information contains personal information about another individual;
- iii. where the information is of such a nature that its disclosure could reasonably be expected to prejudice the mental or physical health of the individual;
- iv. where the information was gathered in the course of a formal dispute resolution process;
- v. where the information is subject to solicitor-client or litigation privilege.

## **9. Compliance and Contact Information**

9.1 Requests for access to information, issues or complaints about the [Name of First Nations School]'s compliance with this Policy regarding the handling of personal information, and questions or comments about this Policy may be addressed to the [Name of First Nations

School]'s Privacy Officer:  
[Name of First Nations School]  
[Address]  
Attention: [Name], Privacy Officer

*This Privacy Policy may be updated from time to time.*