



Employees have the right to expect that personal information is collected and retained in a manner that respects and protects their privacy. The following procedures have been established in concert with the Education Act and the Municipal Freedom of Information & Protection of Privacy Act, to ensure the integrity of personnel files, the accessibility of file information and to preserve the confidentiality of such records when disclosure would constitute an unwarranted or unlawful invasion of privacy.

1. Personnel Files

- 1.1. For purposes of this procedure, personnel file means any and all documentation included in the employee's file as maintained in the central Board Office, Human Resources File, or in any file on the employee maintained within a school at which the employee works. The term "official personnel file" shall only apply to that personnel file maintained by Human Resources.

2. Content of the Official Personnel File

Only job-related information will be maintained in the personnel file. The official personnel file of an active employee includes the following:

- Original application or resume/covering letter, CPIC and Physician's Certificate of Health
- Letter of offer for employment purposes
- Any documentation related to placement, transfers, promotions or demotions
- Compensation records
- Performance Appraisals



- Memos, letters and other documentation relating to an employee's performance
- Rebuttal information submitted by the employee
- Other job-related information

2.1. The following will not be included in the official personnel file, but will be maintained in separate files:

- Medical records / documentation
- WSIB claims
- Grievances
- Annual offence declarations

2.2. In addition to the above, a payroll file shall be maintained for each employee that contains information pertaining to pay and benefits.

3. Content of the School Employee Files

3.1. Administrators require access to certain employee documents; therefore, each school may create and maintain an employee file. These files are to be maintained by the principal or vice-principal. The content of an employee file at the school level should be limited to the following:

- Performance appraisals
- Attendance records
- Staffing related documentation
- Letters of commendation



- 3.2. When an employee transfers to another school, the file should be transferred to the new school. When an employee resigns or retires, the school file shall be shredded.

4. Management Notes

- 4.1. Management notes maintained by administrative personnel (i.e. Principals, Vice-Principals, Assistant Vice-Principals, Managers, and Supervisors) are considered to be the notes of that individual and therefore when they leave the Board or are transferred to another worksite, all management notes/files shall follow the administrator/manager/supervisor.

5. Employee Access to Personnel Files

- 5.1. Every employee has the right to view their official personnel file. With reasonable notice, an employee may, in the presence of a Human Resources staff member, review the contents and make copies of documentation contained in his/her personnel file. Employees must present identification prior to viewing their file. Employees may not, at any time, remove any materials from their file.
- 5.2. An employee's designated representative may also be furnished copies of information in the employee's official personnel file upon receipt of a written request. This request shall include the name of the designee, the signature of the employee and whether the representative may see the entire personnel file or only specified documents in the file.
- 5.3. Internal access to personnel files is limited to supervisory personnel who are considering the employee for promotion, transfer, accommodation, or other personnel action, and to other officials who have a legitimate need to know.

6. Confidentiality of Personnel Records

- 6.1. The contents of personnel files shall be treated as confidential, with access only on a need-to-know basis, except as required by law. Any violation of confidentiality by any employee involved in the maintenance or handling of personnel records may be



subject to disciplinary action, up to and including dismissal.

7. Disclosure of Employment Related Information

7.1. Often times, requests for disclosure of employment related information are received. Under the Municipal Freedom of Information and Protection of Privacy Act, the Board is required to protect the personal information of its employees. With respect to personnel files, Section (3) of the Act states that a disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

- relates to a medical, psychiatric or psychological history, diagnosis, condition treatment or evaluation;
- was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
- relates to employment or educational history;
- consists of personal recommendations or evaluations, character references or performance reviews; or,
- indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations.

7.2. Despite the above, a disclosure does not constitute an unjustified invasion of personal privacy if it:

- discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution;
- discloses financial or other details of a contract for personal services between an individual and an institution; or,



- discloses personal information about a deceased individual to the spouse or close relative of the deceased individual, and the [designate] is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons.

7.3. Human Resources will not provide any personal and/or employment related information to third parties without the explicit, written authorization of the employee, unless legally authorized to do so. For all other disclosure requests, employees must complete the LDSB Release of Information Consent Form, which can be found on the Human Resources website.

8. Legal Authority for the Collection of Personal Information

8.1. Sections 31 and 32 of the Municipal Freedom of Information and Protection of Privacy Act provide the legal authority for the collection of personal information. In addition, section 315 of the Education Act and Regulation 521/01, as amended by Regulation 322/03, provide the legal authority for the collection of personal criminal background information on school board employees, including a CPIC for all new employees as well as an annual Offence Declaration for all staff actively employed by the Board.

9. Collection of Criminal Background Information

9.1. The Director of Education has the responsibility, as delegated by the Board under Board Policy No. 4 “Delegation of Authority”, to provide a safe and secure working and learning environment for students and staff members. All staff members are in a position of trust with regard to students and must strive to protect their intellectual, physical, mental, and emotional well-being. Limestone District School Board will not employ or continue to employ persons who have criminal records and/or patterns of behaviour that may place students at risk.

9.2. **Criminal Background Check** means a document concerning an individual:

- i) That was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six months before



the day the school board collects the document;

ii) That contains information concerning the individual's personal criminal history.

9.3. Offence Declaration means a written declaration signed by an individual listing all of the individual's convictions for offences under the Criminal Records Act (Canada) up to the date of the declaration:

i) That are not included in a criminal background check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last criminal background check collected by the Board under this regulation; and

ii) For which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

9.4. Personal Criminal History means, information on criminal offences of which an individual has been convicted under the Criminal Records Act (Canada) and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to the individual.

9.5. In the interest of ensuring the safety and protection of students, all individuals who apply for a position with Limestone District School Board must provide, at the individual's own cost, a Level 1 Criminal Background Check. If the individual commenced employment after March 31, 2002 the Board shall collect an acceptable Criminal Background Check (Vulnerable Sector Screening) before the day the individual commences employment with the board. All offers of employment with the Board shall be conditional upon the applicant supplying an acceptable criminal background check.

All current Limestone District School Board employees must submit an annual offence declaration to Human Resources prior to September 30 of each school year commencing September 1, 2004 and annually thereafter.



Additionally, all employees of the Limestone District School Board must report to Human Resources within five working days of being charged and/or convicted under the Criminal Code of Canada and/or the Controlled Drug & Substances Act.

- 9.6. Any staff member who does not provide an annual Offence Declaration Form by September 30, may be suspended without pay pending the submission of the offence declaration. Suspensions for failure to submit an offence declaration shall be at the discretion of the Superintendent of Human Resources or designate.
- 9.7. All service providers must submit a Level 1 Criminal Background Check to the Superintendent of Human Resources, or designate, prior to commencing any work within the schools of Limestone District School Board. A service provider is a non-Board employee who comes into regular and direct contact with students as defined by Regulation 521/01, as amended by Regulation 322/03. Additionally, all service providers must report to Human Resources within five working days of being charged and/or convicted under the Criminal Code of Canada and/or the Controlled Drug & Substances Act.
- 9.8. The Board must gather sufficient information to make an informed decision about the individual's charge/conviction and the impact it bears on the ability of the individual to fulfill his/her role and responsibilities as well as the impact on the reputation of the Board.
- 9.9. The Superintendent of Human Resources, or designate, will request a letter of explanation from the individual concerning the circumstances of the charge/conviction. A private interview may be held between the individual and the Superintendent of Human resources, or designate, as appropriate.
- 9.10. **Adjudication:** Where evidence is received of a criminal conviction the following factors will be considered in determining an appropriate course of action:
 - Length of time since offence(s);
 - Whether the offence(s) involved children and/or sexual activity and/or



violence (or threats of violence) and/or acts of dishonesty;

- Employment history;
- Staff member's attitude towards offence(s);
- Treatment, counseling or other services received since offence;
- Other steps taken to rehabilitate;
- Likelihood offence(s) will be repeated or other offences committed;
- Whether alcohol or illegal drugs was a factor in commission of offence(s);
- Degree of co-operation with this investigation;
- Whether offence(s) was committed while employed by the Board;
- If staff member is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;
- If staff member is not a teacher, relevance of offence(s) to his or her employment duties; and
- Whether the offence(s) requires any action pursuant to the Ontario College of Teachers Act.

9.11. The course of action may include withdrawal of employment offer for new hires and action up to and including dismissal for current employees, and shall be in compliance with other board policies, administrative procedures, collective agreements and legislation.

10. Consequences of Non-Compliance

10.1. Staff members who fail to provide a signed Offence Declaration Form by the date prescribed will be suspended without pay until the form is submitted.



Legal References:

Education Act S. 300 (7) Safety of Pupils; S. 315 Collection of Personal Information
Reopening Ontario Act
Ontario Regulation 521/01, as amended by Regulation 322/03 Collection of Personal Information
Ontario College of Teachers Act
Criminal Records Act (Canada)
Municipal Freedom of Information & Protection of Privacy Act