

Administrative Procedure 170

General Administration

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

BACKGROUND

As a public body under Alberta legislation, the Charter Board is committed to managing information in a manner that promotes transparency, accountability, responsible governance, and appropriate public access, while also protecting the privacy of individuals and safeguarding personal information.

The Charter Board recognizes its dual obligations under the *Access to Information Act* (ATIA) and the *Protection of Privacy Act* (POPA) to:

- Provide individuals with the right to access records in its custody or control, subject only to limited and specific legislative exceptions; and
- Ensure that personal information is collected, used, disclosed, retained, protected, and securely managed in accordance with legislated privacy requirements.

The Charter Board recognizes that effective information management supports public trust, informed decision-making, operational effectiveness, and the protection of student, employee, parent/guardian, and volunteer information. Westmount Charter School (WCS) is committed to maintaining responsible information management practices, including secure records management, privacy protection, and compliance with legislative requirements.

This Administrative Procedure shall be read in conjunction with related Westmount Administrative Procedures, including AP 141 - Information and Communication Technology, AP 171 - Privacy Impact Assessments, AP 172 - Collection, Use, and Disclosure of Personal Information, and AP 180 - Records Retention and Disposition, to support responsible information governance, privacy protection, and legislative compliance.

The Superintendent is responsible for implementing this Administrative Procedure.

DEFINITIONS

Applicant	An individual or organization requesting access to records.
Personal Information	Recorded information about an identifiable individual, as defined under the <i>Protection of Privacy Act</i> (POPA).
Privacy and Access Officer	The individual designated by the Superintendent to administer access to information and privacy matters on behalf of Westmount.
Privacy Breach	Unauthorized access to, collection, use, disclosure, loss, modification, or destruction of personal information, or any circumstance where personal information may be compromised.
Record	Information in any format, including paper, electronic records, emails, photographs, audio recordings, video recordings, text messages, and other recorded information.

PRINCIPLES

1. The Charter Board shall:
 - 1.1 Provide a right of access to records in its custody or control in accordance with the *Access to Information Act* (ATIA), subject only to the limited and specific exceptions set out in legislation;

- 1.2 Collect, use, disclose, retain, and protect personal information in accordance with the *Protection of Privacy Act* (POPA) and Administrative Procedure 172 - Collection, Use, and Disclosure of Personal Information;
- 1.3 Ensure individuals have the right to access their own personal information, subject to legislated exceptions;
- 1.4 Allow individuals to request corrections to their personal information where it is inaccurate or incomplete;
- 1.5 Ensure that decisions made under ATIA and POPA are subject to independent review by the *Office of the Information and Privacy Commissioner of Alberta* (OIPC);
- 1.6 Promote responsible information governance, privacy-by-design principles, secure records management practices, and employee awareness regarding privacy obligations; and
- 1.7 Collect, use, and disclose personal information only as authorized by legislation and only to the extent necessary to fulfill an identified educational, operational, legal, or administrative purpose.

PROCEDURES/ GUIDELINES

1. Designation of Head

- 1.1 The Charter Board designates the Superintendent to administer responsibilities under the *Access to Information Act* (ATIA) and the *Protection of Privacy Act* (POPA) on behalf of the Head of the public body and to support organizational compliance with both Acts.

2. Access and Privacy Officer

2.1 Informal Access

- 2.1.1 Where records may be disclosed through routine administrative processes and no legislative restrictions apply, Westmount may provide access without requiring a formal request under ATIA.
- 2.1.2 Examples include student progress reports (report cards) to parents/guardians, employee payroll information to employees, and publicly available Board policies and procedures.

2.2 Formal Access Requests

- 2.2.1 The Privacy and Access Officer shall receive, coordinate, and manage formal access to information requests in accordance with the ATIA.
- 2.2.2 Requests must provide sufficient detail to enable Westmount to identify, locate, and retrieve the requested records.
- 2.2.3 The Privacy and Access Officer shall acknowledge receipt of the request and advise the applicant of applicable timelines, requirements, and fees, where applicable.
- 2.2.4 Where clarification is required, the Privacy and Access Officer shall work with the applicant to clarify or refine the request to support timely and accurate processing.
- 2.2.5 Where sufficient detail is not provided, the applicant may be requested to provide clarification. A request may be considered abandoned if clarification is not received within thirty (30) calendar days.
- 2.2.6 The Privacy and Access Officer shall support organizational privacy compliance, including privacy breach management and legislative obligations under ATIA and POPA.

- 2.2.7 The Privacy and Access Officer shall support the establishment and maintenance of procedures related to records management, privacy protection, and secure information handling.
- 2.2.8 Employees shall cooperate with and support the Privacy and Access Officer in meeting legislative requirements and responding to access requests in a timely manner.
- 2.3 Verification of Identity
 - 2.3.1 Applicants requesting access to personal information may be required to provide proof of identity.
 - 2.3.2 Authorized representatives may be required to provide written authorization or evidence of legal authority to act on behalf of another individual.
- 2.4 Search and Retrieval of Records
 - 2.4.1 Upon receipt of a valid request, the Privacy and Access Officer shall coordinate a search for records responsive to the request.
 - 2.4.2 Employees shall cooperate fully in locating and providing records within their custody or control.
 - 2.4.3 Searches may include paper files, electronic files, email systems, approved cloud storage, student information systems, and other information repositories maintained for school purposes.
 - 2.4.4 Employees shall not alter, delete, conceal, or destroy records after receiving a notice of request.
- 2.5 Review of Records
 - 2.5.1 Records shall be reviewed to determine whether any mandatory or discretionary exceptions apply to disclosure.
 - 2.5.2 Where only portions of the record are exempt from disclosure, the exempt information shall be severed, and the remainder disclosed.
 - 2.5.3 Decisions regarding severing and disclosure shall be made by the Privacy and Access Officer in consultation with appropriate administrators and legal counsel where necessary.
- 2.6 Third-Party Consultation
 - 2.6.1 Where records may contain information affecting the interests of a third party, Westmount may notify the third party and provide an opportunity for representations.
 - 2.6.2 Third-party consultations shall be conducted in accordance with legislative requirements and may result in an extension of response timelines.
- 2.7 Response to Applicants
 - 2.7.1 Following the review of a request, the applicant shall be provided with: access to the requested records, in whole or in part, where disclosure is permitted under legislation; written reasons for any information withheld, including reference to applicable legislative exceptions where appropriate; and information regarding the applicant's right to request a review through the OIPC.
 - 2.7.2 Records shall be provided in a reasonably accessible format whenever practicable and in accordance with legislative requirements.
 - 2.7.3 Where a request cannot be fully fulfilled, Westmount shall communicate the reasons for its decision in a timely and transparent manner.

- 2.8 Fees
 - 2.8.1 The Charter Board may charge fees for access requests in accordance with the ATIA and its associated regulations.
 - 2.8.2 Fees may be charged in accordance with applicable legislation.
 - 2.8.3 No application fee shall be charged for requests by an individual seeking access to their own personal information.
 - 2.8.4 Applicants shall be provided with a fee estimate where costs are expected to exceed prescribed thresholds.
 - 2.8.5 Fee waivers may be considered where payment would create financial hardship, the request is in the public interest, or other circumstances make a waiver fair and reasonable.
- 2.9 Time Limits
 - 2.9.1 Westmount shall respond within thirty (30) calendar days unless the request is transferred, additional clarification is required, fees remain outstanding, or a legislative extension is authorized.
 - 2.9.2 Applicants shall be notified of any extension, including the reason for the extension and the anticipated response date.
- 2.10 Requests for correction shall:
 - 2.10.1 Be submitted in writing;
 - 2.10.2 Identify the information in question;
 - 2.10.3 Describe the requested correction; and
 - 2.10.4 Include supporting documentation where appropriate.
- 2.11 The Privacy and Access Officer shall review the request in consultation with the department or school responsible for the record.
- 2.12 Westmount may refuse to amend personal information where:
 - 2.12.1 The information consists of a professional opinion, observation, or assessment that was properly recorded and made in good faith;
 - 2.12.2 The requested correction cannot be reasonably verified or substantiated;
 - 2.12.3 Legislative restrictions or other legal requirements prevent the amendment of the information; or
 - 2.12.4 The request relates to information that must be retained in its original form for legal, operational, audit, or records management purposes.
- 2.13 Where a correction is accepted:
 - 2.13.1 The record shall be corrected;
 - 2.13.2 The original information shall remain accessible for audit purposes where required; and
 - 2.13.3 Appropriate notifications shall be made where reasonably necessary.
- 2.14 Where a correction is denied:
 - 2.14.1 The individual shall receive written reasons; and
 - 2.14.2 A statement of disagreement may be attached to the record.
- 2.15 Records Retention
 - 2.15.1 Records associated with access requests and correction requests shall be retained in accordance with Westmount's Administrative Procedure 180 - Records Retention and Disposition.

- 2.15.2 Records shall be securely destroyed when retention requirements have been satisfied.
- 2.16 Reviews and Complaints
 - 2.16.1 Applicants who disagree with a decision may request a review by the OIPC.
 - 2.16.2 Westmount shall cooperate fully with any investigation, inquiry, or review conducted by the Commissioner.
- 3. Privacy Breach Management
 - 3.1 Any actual or suspected privacy breach shall be reported immediately to the Superintendent and Privacy and Access Officer.
 - 3.2 Privacy breaches shall be assessed and managed in accordance with the POPA, including containment, risk assessment, mitigation, documentation, and corrective action.
 - 3.3 Where new or significantly modified programs, technologies, digital systems, vendors, or information practices may create privacy risks, Westmount shall consider the requirements outlined in Administrative Procedure 171 - Privacy Impact Assessments.
 - 3.4 Where required by legislation, Westmount shall notify affected individuals and the OIPC.
- 4. Responsibilities
 - 4.1 Superintendent
 - 4.1.1 Designate a Privacy and Access Officer; and
 - 4.1.2 Ensure implementation of this Administrative Procedure.
 - 4.2 Privacy and Access Officer
 - 4.2.1 Receive and coordinate requests;
 - 4.2.2 Manage consultations and reviews;
 - 4.2.3 Ensure compliance with legislative requirements; and
 - 4.2.4 Maintain records relating to requests.
 - 4.3 Principals and Supervisors
 - 4.3.1 Support searches for records; and
 - 4.3.2 Ensure staff comply with this procedure.
 - 4.4 Employees
 - 4.4.1 Protect personal information;
 - 4.4.2 Assist with records searches;
 - 4.4.3 Preserve records subject to requests; and
 - 4.4.4 Report privacy concerns promptly.

Legal Reference: *Access to Information Act (ATIA)*
Protection of Privacy Act (POPA)
Office of the Information and Privacy Commissioner of Alberta (OIPC)

Cross Reference: AP-141 Information and Communication Technology
AP-171 Privacy Impact Assessments
AP-172 Collection, Use, and Disclosure of Personal Information
AP-180 Records Retention and Disposition

Date of Adoption: April 12, 1999
Date of Revision: February 4, 2014, March 15, 2017, January 20, 2022, January 22, 2026, June 5, 2026

Due for Review: June 5, 2029