

# 138 Personal Information Protection

## Beliefs

The Maskwacis Education Schools Commission (MESC) follows cultural and traditional teachings of the Maskwacis Cree, in particular Wahkohtowin. Wahkohtowin is the belief that all things are related and connected, that all of existence has spirit and that living in a good way requires us to maintain good relationships with each other and other aspects of existence. We recognize that respect for mother earth, elders, youth, and the Treaties are paramount to planning ahead and making decisions for future generations.

The Maskwacis Education Schools Commission (“MESC”) is committed to safeguarding the personal information entrusted to us by our Otatoskewak (Staff), Kiskinwahamawâkanak (students), and their Nîkîhîkomâwak/Ohpîkinahawasiwahk (parents/caregiver). MESC values the trust of these stakeholders and of the public and recognizes that maintaining this trust requires that MESC be transparent and accountable in how it treats the information that is shared with it.

## Procedures

1. MESC is governed by both the Alberta **Personal Information Protection Act**, and the Federal **Personal Information Protection and Electronic Documents Act (PIPEDA)** and the **First Nations principles of OCAP**. As an entity operating on Reservation, PIPEDA applies to MESC only when the personal information of students is collected during transportation. MESC follows the First Nations principles of **OCAP** ( ownership, control, access and possession) which establish how First Nations’ data and information will be collected, protected, used, or shared. As such, this policy reflects the importance we place upon the protection of privacy.
2. Personal information is defined as any information that can be used to distinguish, identify, or contact a specific individual, such as an individual’s name, address, birth date, email address, phone number, Social Insurance Number, and any audio recordings and video surveillance footage of Kiskinwahamawâkanak and Otatoskewak collected during the school day or during transportation on MESC Commercial Vehicles, including buses. GPS location data is also considered personal information by MESC.
3. Collection and Use of Personal Information

- 3.1. Personal information will only be collected and used by authorized Oatoskewak consistent with the activities of MESC. Personal information is collected for the following reasons:
  - 3.1.1. To facilitate the investigation of violations of MESC Policies, including the Student Code of Conduct, Rules for Riding a School Bus, as well as the Bus Operators Handbook, and the Commercial Vehicle Transportation Safety Program;
  - 3.1.2. To assist the RCMP and other relevant law enforcement agencies with investigating incidents which may occur in MESC facilities or on MESC vehicles, including but not limited to violations of the *Criminal Code of Canada*, and other Federal/ Provincial Legislation;
  - 3.1.3. To allow Nîkîhîkomâwak/Ohpîkinahawasiwahk to track the location and status of their child's school transportation.
  - 3.1.4. To ensure the safety and security of Kiskinwahamawâkanak in MESC's care and Oatoskewak of MESC during their duties; and
  - 3.1.5. Such other uses as may be determined reasonable and necessary.
  
- 3.2. Personal information collected by MESC will not be used or disclosed for purposes other than those for which it was collected, except with the consent of Oatoskewak and Nîkîhîkomâwak/Ohpîkinahawasiwahk, or as required by law.

#### 4. Consent

- 4.1. Because of the nature of the information MESC collects, in many cases, consent is implied at the time of collection. Consent is implied where the purpose for collecting, using or disclosing the personal information would be considered obvious and the student, parent, or employee voluntarily provides personal information for that purpose.
- 4.2. MESC may collect, use or disclose personal information without the student, parent, or employee's knowledge or consent in situations as outlined in S. 12, 15 and 18 of PIPA, and S. 7 of PIPEDA some examples include:
  - 4.2.1. When the collection, use or disclosure of personal information is permitted or required by law;
  - 4.2.2. In an emergency that threatens an individual's life, health, or personal security;
  - 4.2.3. When the personal information is available from a public source (e.g., a telephone directory);
  - 4.2.4. When we require legal advice from a lawyer;
  - 4.2.5. To protect ourselves from fraud;

- 4.2.6. To investigate an anticipated breach of MESC Administrative Procedures for Kiskinwahamawâkanak and Otatoskewak;
  - 4.2.7. Where the collection of personal information is in the interests of the individual and consent cannot be obtained in a timely way; and
  - 4.2.8. It is reasonable to expect that the collection, with the knowledge or consent of the individual, would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province.
  - 4.3. Parental and Otatoskewak consent to collect, use or disclose personal information in accordance with this Policy shall be obtained in writing and in the forms attached hereto and marked as Schedules “A” and “B” respectively.
  - 4.4. Personal information for Otatoskewak of MESC is collected, used or disclosed solely for the purposes of establishing, managing or terminating an employment work relationship. Personal Otatoskewak information may, in some circumstances, include a Social Insurance Number, performance reviews, etc. MESC can collect, use and disclose the personal information of Otatoskewak and volunteers without their consent only for the purposes of establishing, managing or ending the employment or volunteer relationship.
5. Protection of Personal Information
- 5.1. Personal information gathered by MESC is kept in confidence. Access to personal information is controlled by MESC’ Privacy Officer and is only disclosed based on the need to deal with the information for the reason(s) for which access is being requested. Measures are taken to ensure the integrity of this information is maintained and to prevent its being lost or destroyed. Personal information is collected and used only for purposes that a reasonable person would consider appropriate considering the circumstances.
  - 5.2. MESC makes reasonable security arrangements against risks such as unauthorized access, collection, use, disclosure, or disposal. Security measures have been integrated into the day-to-day operating practices of MESC and include physical measures (e.g., locked cabinets, shredders), organizational measures (e.g., limitations on access, scheduled destruction of old information), and technological measures (e.g., security system, passwords).
  - 5.3. MESC makes reasonable effort to ensure that personal information is accurate and complete. MESC relies on individuals to notify it if there are any changes to their personal information. MESC will update records promptly. MESC will retain personal information only as long as is

reasonable to fulfil the purposes for which the information was collected or for legal or business purposes.

6. Sharing of and Access to Personal Information

- 6.1. MESC will use and disclose personal information only for the purpose for which the information was collected, except as authorized by law. If MESC wishes to use or disclose personal information for any new purpose, MESC will seek and obtain consent.
- 6.2. Otatoskewak, and Nîkîhikomâwak/Ohpîkinahawasiwahk may at any time request access to their personal information or the personal information of their child. Full access will be given, subject to reasonable timelines for information retrieval.

7. Website and Electronic Information

- 7.1. MESC uses password protocols, encryption software, and firewalls to ensure privacy and to protect personal and other information received online. Our software is routinely updated to maximize protection of such information.
- 7.2. MESC is committed to protecting the privacy of those who use its website and our bus monitoring app. This site compiles conventional log files to monitor and assess activity including traffic and visits. This activity does not specifically identify any individual user without prior notice to the user through use of the site.
- 7.3. MESC does not disclose information about individual visits to its website or use of its app. Neither is information on our website or app provided to outside companies. The information collected is used to improve and enhance the content and services of the website and app.

8. Contact Information

- 8.1. MESC is open about privacy policies and procedures with respect to the management of personal information and is open to reviewing any breach of this privacy policy or other reasonable standards.
- 8.2. Questions or concerns relating to MESC's privacy practices, or the treatment of personal information should be brought to the attention of MESC's Privacy Officer.

**Schedule A**

**Otatoskewak Consent to Collect, Monitor and Disclose Personal Information**

- A. \_\_\_\_\_ has provided Maskwacis Education Schools Commission (“MESC”) with certain personal information required for his/her employment and as noted in MESC’s Privacy Policy.
  
- B. MESC has requested that \_\_\_\_\_ consent to the collection, monitoring and storage of certain personal information, which may be obtained via the use of GPS monitoring systems in MESC Commercial Vehicles, and video and audio surveillance systems present in MESC Commercial Vehicles and Facilities.
  
- C. MESC has further requested \_\_\_\_\_ consent to the disclosure of all or portion of such personal information in circumstances as set out in MESC’s Privacy Policy and/or as may be required by law.

I, \_\_\_\_\_, hereby consent to MESC’s disclosing all or a portion of my private information in accordance with MESC’s Privacy Policy and/ or as may be required by law.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
[Employee]

**Schedule B**

**Nîkîhîkomâwak/Ohpîkinahawasiwahk Consent to Collect, Monitor and Disclose  
Personal Information**

- A. \_\_\_\_\_ is the lawful Parent/Caregiver of \_\_\_\_\_ (the “Student”) and has provided Maskwacis Education Schools Commission (“MESC”) with certain personal information regarding the Student and as noted in MESC’s Privacy Policy.
- B. MESC has requested that \_\_\_\_\_ consent to the collection, monitoring, and storage of certain personal information of the Student, which may be obtained via the use of GPS monitoring systems in MESC Commercial Vehicles, and video and audio surveillance systems present in MESC Commercial Vehicles and Facilities, including Schools.
- C. MESC has further requested \_\_\_\_\_ consent to the disclosure of all or portion of such personal information in circumstances as set out in MESC’s Privacy Policy and/or as may be required by law.

I, \_\_\_\_\_, hereby consent to MESC’s disclosing all or a portion of my private information in accordance with MESC’s Privacy Policy and/ or as may be required by law.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
[Nîkîhîkomâwak/Ohpîkinahawasiwahk]