



Office of the  
Saskatchewan Information  
and Privacy Commissioner

## **INVESTIGATION REPORT 211-2019; 215-2019 to 241-2019**

**Saskatoon School Division No. 13; Chinook School Division No. 211; Holy Trinity Roman Catholic Separate School Division No. 16; Light of Christ Roman Catholic Separate School Division No. 16; Lloydminster School Division No. 99; Good Spirit School Division No. 204; Regina Roman Catholic Separate School Division No. 81; Saskatchewan Rivers School Division No. 119; Creighton School Division No. 111; South East Cornerstone School Division No. 209; Prairie Valley School Division No. 208; North East School Division No. 200; Regina School Division No. 4; Horizon School Division No. 205; Prairie Spirit School Division No. 206; Christ the Teacher Roman Catholic Separate School Division No. 212; Living Sky School Division No. 202; Ile-a-la-Cross School Division No. 112; St. Paul's Roman Catholic Separate School Division No. 20; Northwest School Division No. 203; Sun West School Division No. 207; Holy Family Roman Catholic Separate School Division No. 140; Northern Lights School Division No. 113; Prince Albert Roman Catholic Separate School Division No. 6; Lloydminster Roman Catholic Separate School Division No. 89; Prairie South School Division No. 210; Conseil des écoles fransaskoises; Saskatchewan Teachers' Federation**

**June 25, 2020**

### **Summary:**

The Saskatchewan Teachers' Federation (STF) requested that 900 of its members (who are teachers) complete an online survey regarding "class load and class composition". The Saskatchewan School Boards Associations (SSBA) advised school divisions to instruct its teachers to not complete the online survey as its position was that the survey requested students' personal information. Soon after, the online survey was disabled and the data that was collected was destroyed. The STF, who administered the online survey with another company, Praxis Analytics, indicated that it estimated between 200 and 300 surveys were completed prior to the online survey being disabled. Since the data was destroyed, the Commissioner was unable to determine precisely which teachers completed the survey and to determine how many students are affected by this survey. The Commissioner determined that the information requested by the survey

qualifies as “personal information” as defined by *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and that there was no authority for the disclosure of students’ personal information for the purpose of the survey. If 200 surveys were completed by teachers, it is estimated that there could be between 3000 to 8000 affected individuals. The Commissioner made recommendations for each school division including: 1) providing notification to affected individuals; 2) that school divisions establish policies and procedures based on LA FOIP; 3) that school divisions provide LA FOIP training to its teachers and staff on an annual basis; 4) that school divisions require its teachers to sign an agreement on an annual basis indicating they will abide by policies and procedures; and 5) that school divisions appoint an individual to be its LA FOIP Access and Privacy Officer who can ensure the school division’s compliance with LA FOIP.

## **I BACKGROUND**

### **a. Class load and class composition survey**

[1] On June 11, 2019, the Saskatchewan Teachers’ Federation (STF) sent an email to 900 of its members requesting that they complete an online survey. The members are teachers at school divisions in Saskatchewan. In the email, the STF said that the survey was “to help the Teachers’ Bargaining Committee with the conversation about class load and class composition”. The email included a link to the online survey. The email indicated that the survey would be available until June 28, 2019.

[2] Once the teacher clicked on the link, they would enter their teacher certificate number, their school division, the name of their school, the grade(s) of the class they are entering information about in the survey, and their gender pronoun(s):

First, please type your teacher certificate number:

Select your school division from the dropdown menu:

Please type the name of your school here:

Type the grade(s) in this class here:

What is your gender? Type the pronoun(s) you use here (e.g., he, she, xe):

[3] Then, teachers are asked to type the initials of each student into a numbered box. There are 40 numbered boxes so teachers can enter the initials of up to 40 students into the boxes. The numbered boxes appeared as follows:

**Please type the initials of the students in each numbered box. This is for your reference as you are completing the survey. Initials ONLY please.**

Student #1 Initials

Student #2 Initials

Student #3 Initials

[4] Then, after entering in the initials, teachers then scored each individual student on the online survey based on an assessment rubric. The survey appeared as follows.

**Student #1:**

	0	1	2	3	4
Attendance and Transiency					
Behaviour and Interventions					
Work Habits					
Academic Performance					
Reading Level/Reading Comprehension					
Independence					
Adaptations and Support					
English as Additional Language					
Student Context					
Personal and Social Well-Being					
	0	1	2	3	4
Parent Contact					
Medical Needs					
Personal Care Needs					
Safety of self or others					
Assistive Technology					
Additional Supports					

[5] The survey requested teachers to rate each of their students based on one of two assessment rubrics. One rubric was for elementary school students and the other was for high school students. Each rubric featured 16 factors that teachers were to assess each of their students against. That is, teachers were to score each student on a scale of 0 to 4 for each factor.

[6] The 16 criteria for the elementary school assessment rubric were as follows:

- Attendance and Transiency,
- Behaviour and Interventions,
- Work Habits,
- Academic Performance,
- Reading Level,
- Independence,
- Adaptations and Support,
- English as Additional Language,
- Student Context,
- Personal and Social Well-Being,
- Parent Contact,
- Medical Needs,
- Personal Care Needs,
- Safety of self or others,

- Assistive Technology, and
- Additional Supports (PT, OT, Speech, Vision, Hearing, Educational Assistant).

[7] The assessment rubric for high school students contains the same 16 criteria except that it has a criterion called “Reading Comprehension” instead of “Reading Level”. Also, the indicators in the assessment rubric for elementary students is different from the assessment rubric for high school students. In terms of the rating scale, if a teacher scored a student as a “0”, that meant that the student did not present in such a way that was of concern. However, a score of “4” meant of great concern. For example, for the criteria “Attendance and Transiency”, the indicators from 0 to 4 are as follows:

AREA	0	1	2	3	4
1 Attendance and Transiency • Late • Absent Term • Absent year • Transience	Not a concern	Absent 2-3 days during a term OR up to 18 days in a year OR late up to 25% of the time OR has moved up to two times in their school career	Absent 4-6 days per term OR 19-24 days in a year OR late 26 to 49% of the time OR has moved 3-4 times in their school career	Absent 7-9 days per term OR 25-36 days in a year OR late 50%-75% of the time OR has moved 5-6 times in their school career	Absent 10 days or more during a term OR 37 or more days in a year OR late 76% of the time or more OR has moved 7 or more times in their school career

[8] A copy of each assessment rubric is in Appendix B of this Report.

[9] On June 17, 2019, the Saskatchewan School Board Association (SSBA) sent an email to Board Chairs and Directors of Education indicating that the SSBA’s view is that the survey requests students’ personal information as defined by *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and that LA FOIP does not authorize the disclosure of students’ personal information for the purpose of helping the Teachers’ Bargaining Committee with the conversation about class load and class composition”. The SSBA’s advice was for school divisions to direct their employees not to complete the survey. It also recommended that school divisions contact my office to make us aware of the potential privacy breaches and their efforts on maintaining the privacy breaches. Most school divisions followed the SSBA’s recommendations, including contacting my office to report potential privacy breaches. The SSBA had also contacted my office to report this matter. I appreciate the SSBA being forthcoming about this matter.

[10] My office notified all school divisions and the STF that it would be undertaking an investigation into this matter.

**b. Other background information**

[11] The STF recruited a company, Praxis Analytics, to assist it in setting up of the online survey. Praxis Analytics was to collect and analyze the data received from the survey and then provide a report on its findings to the STF. The STF described its relationship with Praxis Analytics as follows:

We have no formal written contract for services with Praxis Analytics, we have a long standing relationship with them and as a reputable and long standing provincial research firm, there was no formal contract entered into. The work to be conducted by Praxis was to determine the overall class load experience of teachers as through a survey. Rating data created by teacher-participants was to arrive in real time at Praxis, where the data was to be stripped of the prompts and aggregated in analysis to create an overall rating for the class. Individual data at the student level was of no interest and was not to be compiled or analyzed on a personal, single-student basis or in any personally-identifiable way. Only insofar as factor data combine to create a class composite would individual data be used in the process.

[12] Praxis Analytics used another company, QuestionPro, to host the survey. Praxis Analytics reported to my office that QuestionPro, “operates a data centre in Toronto where the survey was mounted.”

[13] Based on a letter dated August 21, 2019 to my office, Praxis Analytics confirmed that it did receive student initials and individualized data. It indicated that its plan was to strip the data of its “extraneous markers and guides” once the survey was closed. However, since the survey was halted and the data was destroyed, it never got to this stage of its plans.

[14] Both STF and the Praxis Analytics indicated to my office that between 200 and 300 surveys were completed, but that it did not have a record of who did or did not do the survey. The STF indicated that all the data that was collected had been destroyed and neither it nor Praxis Analytics held any of the survey responses or related information.

**II DISCUSSION OF THE ISSUES**

**1. Does LA FOIP apply to this matter and do I have jurisdiction?**

[15] Subsection 2(f)(viii) of LA FOIP defines “local authority” as follows:

**2** In this Act:

...  
(f) “local authority” means:

...  
(viii) any board of education or conseil scolaire within the meaning of *The Education Act*;

[16] Section 2 of *The Education Act, 1995* defines “board of education” as follows:

**“board of education”** means the board of education of a school division that is elected pursuant to *The Local Government Election Act, 2015*; (« commission scolaire »)

[17] Since teachers are employees of school divisions, I find that LA FOIP applies to this matter and that I have jurisdiction to investigate. Further, I find that the personal information in this matter is in the possession or control of the school divisions.

[18] In this Report, I will refer to boards of education by the name of the school division that the board represents.

[19] In the course of this review, my office notified all 27 school divisions in Saskatchewan and the STF that my office would be undertaking investigations into the disclosure of personal information.

**2. Is personal information involved?**

[20] A privacy breach is when personal information is collected, used, and/or disclosed in a way that is not authorized by LA FOIP. In order for a privacy breach to occur, personal information needs to be involved. Subsection 23(1) of LA FOIP defines “personal information” as follows:

**23(1)** Subject to subsections (1.1) and (2), “personal information” means personal information about an identifiable individual that is recorded in any form, and includes:

- (a) information that relates to the race, creed, religion, colour, sex, sexual orientation, family status or marital status, disability, age, nationality, ancestry or place of origin of the individual;
- (b) information that relates to the education or the criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (c) information that relates to health care that has been received by the individual or to the health history of the individual;
- (d) any identifying number, symbol or other particular assigned to the individual;
- (e) the home or business address, home or business telephone number, fingerprints or blood type of the individual;
- (f) the personal opinions or views of the individual except where they are about another individual;
- ..
- (h) the views or opinions of another individual with respect to the individual;

[21] It should be noted that the above is not an exhaustive list of what would qualify as personal information. Information, that is personal in nature, and identifies as individual qualifies as personal information pursuant to subsection 23(1) of LA FOIP.

[22] As described in the background section of this Report, the survey is set up so that teachers enter the initials of students into numbered boxes (i.e., Student #1, Student #2, etc.). The students' full names are not entered. Then, teachers assign a score of 0 to 4 for each student in their class for each of the 16 factors. STF's email dated June 11, 2019 instructs teachers to have their gradebooks before them to assist them in completing the survey. Gradebooks are records that are in the possession or control of the school division.

[23] By scoring each student on a scale of 0 to 4 for each of the 16 factors, a unique profile can be created for each student. As such, individuals can be identified even without a name or initials attached to each profile. Further, when completing the survey, teachers identify which school, school division and which grade(s) the class they are entering information about. Such information narrows the pool of students that have the particular profile. I find that students' personal information is involved in this matter. Further, what the survey



creates is a detailed profile of individual students that may not reflect them in a positive light.

**3. Was there an unauthorized disclosure of personal information?**

**a. Was there a “disclosure” of personal information?**

[24] The term “disclosure” means the sharing of personal information with a separate entity that is not a division or branch of the local authority. Before disclosing personal information, the local authority must ensure it has authority to do so.

[25] Teachers are employees of the school divisions. The STF is an entity that is separate from school divisions. By completing and submitting the surveys, teachers were disclosing students’ personal information that is in the possession or control of school divisions, to the STF.

**b. Was there authority under LA FOIP for teachers to disclose students’ personal information?**

[26] It does not appear that students provided their consent to the disclosure of their personal information. Subsection 28(2) of LA FOIP and section 10 of *The Local Authority Freedom of Information and Protection of Privacy Regulations* (LA FOIP Regulations) provides for circumstances in which personal information can be disclosed without the individual’s consent. In the background of this Report, I described that the STF had explained in its June 11, 2019 email to teachers that the purpose of the survey was to assist its Teachers’ Bargaining Committee in conversations about class load and class composition. I find that neither subsection 28(2) of LA FOIP nor section 10 of the LA FOIP Regulations authorize the disclosure of students’ personal information for such a purpose. Every time a survey was completed and submitted by a teacher, a privacy breach occurred. In this Report, when I use the term “privacy breach”, I am referring to one or more surveys submitted by teachers within a school division.

**4. Has each school division responded to the privacy breach appropriately?**

[27] My office suggests that local authorities undertake the following five steps when a privacy breach has occurred:

- Contain the breach,
- Notify the affected individual(s),
- Investigate the breach,
- Prevent similar privacy breaches, and
- Write an investigation report

[28] First, containing a breach is to ensure the personal information is no longer at risk. This may include recovering the personal information, revoking access to the personal information, and/or stopping the unauthorized practice.

[29] Second, notifying affected individual(s) of the privacy breach is important because it provides them with the opportunity to determine how they have been impacted so they can take steps to protect themselves. An effective notification should include the following:

- A description of what happened,
- A detailed description of the personal information or personal health information that was involved,
- If known, a description of possible types of harm that may come to them as a result of the privacy breach,
- Steps that the individuals can take to mitigate harm,
- Steps the organization is taking to prevent similar privacy breaches in the future,
- The contact information of an individual within the organization who can answer questions and provide further information,
- A notice that individuals have a right to complain to the Office of the Information and Privacy Commissioner,
- The contact information of the Office of the Information and Privacy Commissioner, and
- Where appropriate, recognition of the impacts of the breach on affected individuals and an apology.

[30] Third, investigating a privacy breach to identify the root cause(s) is key to understanding what led to a privacy breach. This understanding is helpful for the fourth step, which is implementing plans to prevent similar privacy breaches in the future.

[31] Fourth, once a local authority has identified the root cause(s), it should develop and implement a plan to prevent similar privacy breaches from occurring in the future.

[32] Fifth, the local authority should document the privacy breach, including what happened, the impacts of the privacy breach, the steps it took to respond to the privacy breach, and its plans to prevent a similar privacy breach from occurring.

[33] Below, I will speak generally about how the school divisions and STF responded to the privacy breaches based on the above five steps. In Appendix A, I will summarize each school division's response to my office based on the above five steps.

**i. Contain the Breach**

School divisions

[34] School divisions learned of the STF survey as a result of an email dated June 17, 2019, sent by the SSBA to Board Chairs and Directors of Education. The SSBA had provided a sample letter that each school division could send to its teachers and staff instructing them not to complete the survey but if they have, they were to notify a superior (such as a superintendent) about the matter. As a result of SSBA's advice, most school divisions instructed their teachers and staff to not complete the survey but to report to a superior if they did.

[35] I find that most school divisions have made reasonable efforts to contain the privacy breach. More precise information about each school division's efforts to contain the privacy breach is detailed in Appendix A.

STF/Praxis Analytics

[36] On June 19, 2019, the STF sent an email to Praxis Analytics requesting the following:

- 1) confirmation that the survey had been disabled,
- 2) all data collected from the survey had been destroyed, and
- 3) that the survey as it existed, would not be utilized going forward.

[37] On that same day, Praxis Analytics responded to STF confirming that the survey had been disabled as of June 18, 2019, that the data collected from the survey would be destroyed that day, and that the survey is no longer accessible and will not be made available again.

[38] On August 22, 2019, Praxis Analytics sent an email with attached documents to my office confirming that it had deleted the data from QuestionPro's server and that it had also deleted the survey itself from the server. Praxis Analytics indicated that QuestionPro's policy is that when data are deleted from a client's (such as Praxis Analytics) account, the data are removed from the server. Praxis Analytics noted that QuestionPro's backup records retains the deleted data for another seven days. By August 22, 2019, more than seven days had elapsed since Praxis Analytics deleted the data, so the data should no longer be a part of QuestionPro's backup records.

[39] I find that STF and Praxis Analytics have made reasonable efforts to contain this privacy breach by discontinuing the survey on June 18, 2019. For the deletion of the data, it would have been helpful for my office to have received a copy of the data that was collected through the survey prior to the deletion. Such information would have enabled my office to know precisely which teachers from which schools completed the survey and to see precisely the information involved.

## **ii. Notify the affected individuals**

[40] It is not known precisely how many teachers completed the survey. Both the STF and Praxis Analytics indicated to my office that it does not know how many surveys were completed and submitted by teachers. They both estimated that over 200, but below 300 surveys were completed. Since it no longer had the data, Praxis Analytics could not determine how many surveys were completed. Praxis Analytics indicated that it did not keep an hourly or daily record of survey completions.

- [41] If there are between 15 and 40 students in a class, and if 200 teachers completed the survey, then there are potentially 3000 to 8000 students who were affected by this privacy breach.
- [42] When I look at the findings of school division's investigation reports to my office, a total of 116 teachers were found to have completed the survey. Again, if there are between 15 and 40 students in a class and 116 teachers completed the survey, then there are between 1740 and 4640 students that were affected by this privacy breach.
- [43] However, there very well could have been more than 116 teachers who completed this survey. Challenges were faced by school divisions in determining which teachers completed the survey are detailed in the Investigation section below.
- [44] Subsection 28.1 of LA FOIP requires that local authorities provide notification to affected individuals if the privacy breach creates "a real risk of significant harm". However, unless there are compelling reasons not to, my office recommends that local authorities provide notification so that affected individuals of privacy breaches whether there is "a real risk of significant harm" or not. School divisions did not provide notice to the students (or their parents or guardians) who are the affected individuals in this matter. The reason cited by many school divisions was because the STF had deleted/destroyed the data. I find that school divisions have not completed the "Notification" step of responding to a privacy breach. Further, I am not aware of STF taking steps to request teachers to take steps to notify students.
- [45] There is a significant number of students affected by this privacy breach. It may not be practical for school divisions to contact all known affected individuals directly. Therefore, I recommend that school divisions notify students/parents/guardians of this privacy breach by posting a notification to their websites for a period of at least 10 days. The notification should contain the elements listed at paragraph [29]. School divisions should be prepared to respond to questions by students/parents/guardians regarding this matter, including having the class lists from the 2018/2019 school years of the teachers who completed the survey handy. This is so that school divisions can confirm to concerned

students/parents/guardians if the student is known to be an individual affected by this privacy breach. They should also be prepared to advise the students/parents/guardians of the steps they have taken to respond to this privacy breach and steps they will take to prevent similar privacy breaches from occurring in the future. I also recommend that STF post a notification of this privacy breach to its website for a period of at least 10 days.

### **iii. Investigate the breach**

[46] As mentioned earlier, the data collected by the survey was destroyed by the STF and Praxis Analytics. As such, evidence of which teachers completed the survey was destroyed. Therefore, my office relied on the efforts by school divisions to determine which teachers completed the survey. School divisions undertook a variety of methods to determine which teachers completed the survey, including:

- 1) Asking teachers to self-identify if they completed the survey,
- 2) Searching through the school divisions' email system to see which teachers may have received the email dated June 11, 2019 from the STF through their school-division email account, and/or
- 3) Searching through the Internet activity logs of its computer network to determine if the survey may have been accessed from its computer network.

[47] School divisions faced challenges in determining which teachers might have been contacted by the STF regarding the survey and which teachers completed the survey. One of the challenges included how the STF may have sent its June 11, 2019 email to teachers' personal email accounts instead of their professional email accounts. School divisions would only be able to analyze their own email systems to see if teachers would have received the June 11, 2019 email in their professional accounts. Another challenge is that teachers could have completed the STF survey at home instead of at school. As such, school divisions were not necessarily able to check their internet activity logs to see which teachers may have accessed the STF survey from the school division's computer network. As a result school divisions relied heavily on teachers to come forward and self-identify if they completed the survey. Many teachers did come forward and my office is grateful for

their cooperation. Their cooperation helps us understand how this privacy breach occurred so that a similar privacy breach can be avoided in the future.

[48] Based on the information provided to my office by STF, Praxis Analytics, and the school divisions, I find that there are two root causes of this privacy breach. The first is that some teachers trusted that the STF did its due diligence in designing the survey. Therefore, they completed the survey without considering whether completing the survey would be in violation of LA FOIP requirements. The second is that the STF and Praxis Analytics neglected to do a privacy impact assessment (PIA) when designing the survey. I will discuss these two root causes below.

Root cause #1: Teachers trust in the STF

[49] Earlier I noted that the STF survey was sent to 900 recipients. STF estimated 200 to 300 surveys were completed and school divisions determined at least 116 teachers completed the survey. Of those who completed the survey, a common theme was that they trusted that the STF would have done its due diligence. In one case, a teacher indicated that they believed that the STF would not have asked them to do anything unethical. As a result of this trust in the STF, some teachers felt it was okay to complete the survey.

[50] I am disturbed with this explanation for a number of reasons. School division personnel, including teachers, are entrusted with the most sensitive, potentially prejudicial private information regarding its students, which are children and young people. Students, parents and guardians put their trust in schools to protect what they learn in the course of their daily interactions with students and to use appropriately. Laws such as LA FOIP are in place to ensure that confidentiality is maintained. In this case, at least 116 teachers all around the province completed the survey. What this demonstrates is a complete lack of understanding of the fundamentals with respect to privacy and LA FOIP, which I find is the true root cause of this egregious privacy breach. Whenever a teacher is requested to disclose personal information of students to any third party, the first question should be, “under what authority?” Clearly, that consideration did not factor into the decision making of those teachers when completing the survey. LA FOIP has been in force since 1993.

Misplaced trust or ignorance of the law is not a defense to non-compliance. In one case, my office was informed that they did not think the STF would ask them to do anything “unethical.” Again, the wrong question was asked. This lack of understanding needs to be addressed immediately.

[51] Conversely, the majority of the recipients of the STF survey did not complete the survey. This could be a result of teachers having received LA FOIP training. For example, Prairie Valley School Division found that none of its teachers completed the survey. It described the impressive privacy training and privacy awareness raising initiatives it does, which is summarized in Appendix A. I believe the training and awareness it provides to its teachers is a reason its teachers did not complete the survey. Further, Christ the Teacher School Division also reported that none of its teachers completed the survey. The President of Christ the Teacher’s Local Association had cited a reason for this is because of the LA FOIP training that the Christ the Teacher School Division provides to its teachers. As such, teachers were able to make decisions based on the privacy education they were given by the school divisions and they did not complete the STF survey. I applaud them for their efforts.

Root cause #2: Lack of a Privacy Impact Assessment (PIA)

[52] Based on submissions by both the STF and Praxis Analytics, a PIA was not completed when the survey was being designed. A PIA is a process that assists organizations in assessing whether a project, program, or process complies with the applicable access and privacy legislation. My office has created resources to assist organizations in conducting PIAs, available at this link: <https://oipc.sk.ca/assets/privacy-impact-assessment-guidance-document.pdf>. In its submission to my office, Praxis Analytics provided details about some of its privacy considerations, including how the survey did not collect teachers or student names, that the analysis of the information would be done on classes as wholes instead of by student, access to data collected by the survey would be restricted to a single staff member, that information that is collected by Praxis Analytics would not have been available to the STF. It said it would provide the STF, “with only anonymized information created from data, while holding the source data and the identities of research participants



and subjects apart”. As such, it did not believe it needed to conduct a formalized PIA. Had either the STF or Praxis Analytics completed a PIA, they could have learned that teachers are to comply with the requirements of LA FOIP, that the information they were seeking from teachers qualified as “personal information” as defined by LA FOIP, and that there was no authority under LA FOIP for teachers to disclose the personal information.

[53] Often, a PIA is regarded as a time-consuming and valueless exercise and a barrier to completing projects. This privacy breach demonstrates that the lack of a PIA could lead to disastrous results, including a privacy breach impacting thousands, the potential loss of trust that teachers have in the STF, and the potential loss of trust that students/parents/guardians have in schools to protect their personal information from unauthorized disclosures. Privacy is the right of individuals to exercise a degree of control over how their personal information is collected, used, and/or disclosed. Students/parents/guardians entrust schools and teachers with students’ personal information. It would be unnerving to learn that students’ personal information has been disclosed to a third party for purposes that students/parents/guardians were unaware of. While the STF and Praxis Analytics’ purposes for collecting the personal information did not appear to be nefarious, it is not the purposes to which students/parents/guardians provided their personal information to the schools in the first place. It is disempowering to students/parents/guardians that they were not notified that their personal information was being requested and disclosed by teachers to the STF and Praxis Analytics, for what purposes, and if they could exercise their rights under LA FOIP to prevent the disclosure.

[54] However, every privacy breach presents an opportunity to improve on privacy practices to prevent similar breaches from occurring, which will be discussed next.

#### **iv. Prevent similar privacy breaches**

[55] As mentioned earlier, once root causes are identified, local authorities should develop and implement a plan to prevent similar privacy breaches from occurring in the future.

#### Policies and procedures

- [56] In order to ensure that teachers and staff are managing students' personal information in accordance with LA FOIP, school divisions should establish policies and procedures on how personal information should be collected, used, disclosed, and safeguarded. Each school division should ensure that its privacy policies and procedures are practical and can be operationalized within their schools.
- [57] School divisions, such as Light of Christ School Division, North East School Division, Sun West School Division, and Prairie Valley School Division have indicated that they are developing or have developed administrative procedures on privacy. Creighton School Division indicated it would create a policy that provides that teachers will not complete surveys without the written consent of the school division. I find that these are all appropriate actions to take to prevent a similar privacy breach in the future.
- [58] If they have not already done so, I recommend that all school divisions establish policies and procedures on how personal information should be collected, used, disclosed, and safeguarded. These policies and procedures should be based on LA FOIP. Further, I recommend the STF emphasize the need for teachers to be aware of their school division's privacy policies and procedures at events for teachers.

#### Education and Awareness

- [59] Education and awareness initiatives are methods for operationalizing policies and procedures. After all, policies and procedures are useless if they are not put into practice.
- [60] More than half of the school divisions indicated to my office that it would implement plans to provide LA FOIP training to its teachers. I find this to be appropriate as LA FOIP training will provide teachers the ability to make decisions about the collection, use, disclosure, and safeguarding of students' personal information.
- [61] I recommend that school divisions provide LA FOIP training to its teachers and staff regularly on an annual basis. If there are opportunities to raise awareness among its

teachers and staff regarding privacy issues throughout the school year, including discussions during staff meetings regarding privacy matters, I recommend that the school divisions take such opportunities. Further, I recommend that the STF encourage all teachers to take privacy training offered by school divisions.

Agreements by teachers and staff

[62] After receiving LA FOIP training, teachers and staff should indicate that they understand the policies and procedures and that they agree to abide by them. I note that school divisions, such as Light of Christ School Division and Sun West School Division, have required teachers and staff to sign a confidentiality agreement on an annual basis. I find this to be an appropriate and a necessary step for school divisions to take. I recommend that school divisions, after providing LA FOIP training, that it requires its teachers and staff to sign a form that indicates they understand the policies and procedures and they agree to abide by them.

LA FOIP Access and Privacy Officer

[63] I recommend that each school division should appoint an individual to be its LA FOIP Access and Privacy Officer. This person will be responsible for ensuring the school division is complying with LA FOIP. This could include delivering annual LA FOIP training and creating awareness of privacy matters by discussing privacy at staff meetings. Further, the school division should make the contact information of its LA FOIP Access and Privacy Officer widely available to its teachers and staff. If any teacher or staff have privacy questions, they should be able to contact the LA FOIP Access and Privacy Officer for guidance.

**v. Write an investigation report**

[64] Each school division, with the exception of Conseil des école fransaskoises, cooperated with my office when my office requested information and assistance with this investigation. They provided my office with details of their investigations. Summaries of

the school divisions' investigation reports are outlined in Appendix A. Unfortunately, the Director of Education at Conseil des école fransaskoises did not cooperate with my office's investigation, which is detailed further in Appendix A.

### **III FINDINGS**

[65] I find that LA FOIP applies to this matter and that I have jurisdiction to investigate.

[66] I find that the personal information in this matter is in the possession or control of the school divisions.

[67] I find that students' personal information is involved in this matter.

[68] I find that neither subsection 28(2) nor section 10 of the LA FOIP Regulations authorize the disclosure of students' personal information for such a purpose.

[69] I find that most school divisions have made reasonable efforts to contain the privacy breach. More precise information about each school division's efforts to contain the privacy breach is detailed in Appendix A.

[70] I find that STF and Praxis Analytics has made reasonable efforts to contain this privacy breach by discontinuing the survey on June 18, 2019.

[71] I find that school divisions have not completed the "Notification" step of responding to a privacy breach.

[72] I find that most school divisions has investigated this privacy breach.

[73] I find that there are two root causes of this privacy breach. The first is that some teachers trusted that the STF did its due diligence in designing the survey. Therefore, they completed the survey without considering whether completing the survey would be in

violation of LA FOIP requirements. The second is that the STF and Praxis Analytics neglected to do a PIA when designing the survey.

[74] I find that school divisions, such as Light of Christ School Division, North East School Division, Sun West School Division, Prairie Valley School Division, and Creighton School Division are taking appropriate steps by either developing or have developed administrative procedures on privacy.

[75] I find that the school divisions who have indicated that it would implement plans to provide LA FOIP training to its teachers is an appropriate step to take in preventing a similar privacy breach in the future.

[76] I find that school divisions, such as Light of Christ School Division and Sun West School Division, are taking appropriate steps by requiring teachers to sign a confidentiality agreement on an annual basis.

#### **IV RECOMMENDATIONS**

[77] I recommend that each school division refer to Appendix A for recommendations specific to it.

[78] I recommend that STF post a notification of this privacy breach to its website for a period of at least 10 days.

[79] I recommend that STF develop privacy policies for its own staff and executive.

[80] I recommend that STF provide training on its privacy policies to its own staff and executive.

[81] I recommend the STF emphasize the need for teachers to be aware of their school division's privacy policies and procedures at events for teachers.

[82] I recommend that the STF encourage all teachers to take privacy training offered by school divisions.

Dated at Regina, in the Province of Saskatchewan, this 25th day of June, 2020.

Ronald J. Kruzeniski, Q.C.  
Saskatchewan Information and Privacy  
Commissioner

## **Appendix A**

### **a. Saskatoon School Division No.13**

#### **i. Containment**

[83] After receiving the June 17, 2019 email from the SSBA, the Director of Education at Saskatoon School Division sent an email dated June 18, 2019 to teachers regarding the survey. The Director of Education instructed teachers to not complete the survey. However, if teachers had already completed the survey, the Director of Education requested that teachers notify their school's superintendent.

[84] From June 18, 2019 to June 26, 2019, teachers notified their superintendents if they completed the survey.

[85] On June 26, 2019, the school division's Superintendent of Education and LA FOIP Coordinator sent an email directing the superintendents to follow-up with the teachers who completed the survey.

#### **ii. Notification**

[86] See paragraphs [40] to [45] for more information.

#### **iii. Investigation**

[87] Saskatoon School Division determined that 13 of its teachers had completed the survey. It identified that a root cause of the privacy breach was that the STF requested its members to complete the survey.

#### **iv. Prevention**

[88] Saskatoon School Division indicated it would undertake “targeted professional development for all staff and related to use, access and disclosure of personal information of students including 3rd party request for information.”

**v. Written investigation report**

[89] Saskatoon School Division submitted its investigation report to my office that documented how it has responded to this privacy breach and the steps it will take to prevent similar privacy breaches in the future.

Recommendations

[90] I recommend that Saskatoon School Division provide a notification to affected individuals as described at paragraph [45].

[91] I recommend that Saskatoon School Division establish policies and procedures based on LA FOIP, if it does not already have them.

[92] I recommend that Saskatoon School Division provide regular LA FOIP training on an annual basis to its teachers and staff, in addition to its “targeted professional development” described earlier.

[93] I recommend that after having provided LA FOIP training, Saskatoon School Division requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[94] I recommend that Saskatoon School Division appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division’s compliance with LA FOIP, as described at paragraph [63].



**b. Chinook School Division No. 211**

**i. Containment**

[95] Chinook School Division indicated that after it received the June 17, 2019 email from the SSBA, it had canvassed its staff to determine who completed the survey and what information was provided in the survey. It also noted that Praxis Analytics had disabled the online survey and destroyed the survey data.

**ii. Notification**

[96] See paragraphs [40] to [45] for more information.

**iii. Investigation**

[97] Chinook School Division determined that eight of its teachers had completed the survey. It believed that that since STF had requested that teachers complete the survey, teachers “would have viewed the request as having been vetted through the proper channels and therefore deemed to be acceptable to respond...”.

**iv. Prevention**

[98] Chinook School Division indicated that, in addition to its current measures to create awareness to all its staff about the sharing of personal information and directing staff to its LA FOIP Access Coordinator when assistance is required, it will also implement an annual reminder about the privacy policies it currently has in place. It will also provide training on its privacy policies to all new staff.

**v. Written investigation report**

[99] Chinook School Division submitted its investigation report to my office that documented how it has responded to this privacy breach and the steps it will take to prevent similar privacy breaches in the future.

### Recommendations

[100] I recommend that Chinook School Division provide a notification to affected individuals as described at paragraph [45].

[101] I recommend that Chinook School Division continue with its awareness initiatives and its practice of providing an annual reminder to its teachers and staff about its privacy policies and procedures.

[102] I recommend that Chinook School Division require its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agreed to abide by them.

### **c. Holy Trinity Roman Catholic Separate School Division No. 22**

#### **i. Containment**

[103] Holy Trinity Roman Catholic Separate School Division (Holy Trinity) reported to my office that it received information on June 18, 2019 from the SSBA. The STF had requested teachers to complete a survey that included questions about students. It said that it also received an example of a letter from the SSBA to send to teachers asking teachers not to complete the survey.

[104] On June 18, 2019, the Director of Education sent a letter to the teachers requesting that teachers not complete the survey.

#### **ii. Notification**

[105] See paragraphs [40] to [45].

### **iii. Investigation**

[106] Holy Trinity determined that three of its teachers had completed the survey. However, it did not report to my office any root cause to this privacy breach.

### **iv. Prevention**

[107] Holy Trinity also did not report to my office any prevention plans it has to prevent similar privacy breaches in the future.

### **v. Written investigation report**

[108] Holy Trinity provided my office with a brief investigation report on how it has responded to this privacy breach, which is summarized above.

### **Recommendations**

[109] I recommend that Holy Trinity provide notification to affected individuals as described at paragraph [45].

[110] I recommend that Holy Trinity establish policies and procedures based on LA FOIP, if it does not already have them.

[111] I recommend that Holy Trinity provide regular LA FOIP training on an annual basis to its teachers and staff.

[112] I recommend that after having provided LA FOIP training, Holy Trinity requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

**d. Light of Christ Roman Catholic Separate School Division No. 16**

**i. Containment**

[113] After learning about the STF survey on June 18, 2019, the Superintendent of Learning at the Light of Christ Roman Catholic Separate School Division (Light of Christ) emailed and called each school within the school division to inform all teachers that the survey must not be completed.

[114] Also, the Superintendent of Learning followed up with each teacher who did complete the survey either by phone or in-person to understand if any records were created when they completed the survey. The Superintendent confirmed that no records were created by any of the teachers.

**ii. Notification**

[115] See paragraphs [40] to [45].

**iii. Investigation**

[116] Light of Christ determined that an email dated June 11, 2019 was sent by the STF to local association executive members. In total, nine teachers received the survey. Of the nine, one teacher had begun the survey but had not progressed to the portion of the survey that required the use of student's personal information.

**iv. Prevention**

[117] Light of Christ indicated that while it has privacy administrative procedures already in place, it will rewrite its administrative procedures to include this type of privacy breach. In August of 2019, Light of Christ indicated to my office that the new iteration of the administrative procedures will include a signature box that all staff will be required to sign before staff are able to access any information. It said that it would also undertake privacy

training for all staff in the new school year. I find that these steps taken by Light of Christ to be appropriate. If it is not already doing so, I recommend that Light of Christ provide privacy training to its staff on an annual basis.

**v. Written investigation report**

[118] Light of Christ provided my office with its investigation report on how it has responded to this privacy breach, which is summarized above.

Recommendations

[119] Light of Christ has taken the initiative to create a form entitled “Confidentiality and Non-Disclosure Undertaking” and it provided the form to my office. This form addresses how staff are to manage both “personal information” and “confidential information” – which are individually defined within the form. On the form, both terms are defined under the umbrella term “Confidential Information”. Since my office provides oversight of LA FOIP and the collection, use, and/or disclosure of “personal information”, my comments below are focused on how the form addresses the collection, used, disclosure, and safeguarding of “personal information” as it is defined by subsection 23(1) of LA FOIP, and not confidential information.

[120] First, the form’s definition of “personal information” is as follows:

personal information – information about an “identifiable individual” such as a staff member, student or parent that is considered private and personal in nature such as names, e-mail addresses, academic and employment information

[121] I find that the above definition to be consistent as the definition of personal information in subsection 23(1) of LA FOIP. A suggestion is to include more concrete examples of personal information, especially student’s personal information, to assist teachers and staff understanding of what personal information is. This can include students’ grades, attendance, custody and access arrangements, and medical needs.

[122] The form includes the following clause:

- I will, with the assistance of Light of Christ Schools, take reasonable steps to become aware of and comply with all privacy laws and regulations, which apply to the collection, use and disclosure of personal information.

[123] If Light of Christ provides access and privacy training to teachers and staff on an annual basis, I recommend that the clause be modified as follows:

I will attend access and privacy training that is provided by Light of Christ Schools on an annual basis to become aware of and comply with my responsibilities under LA FOIP, which applies to the collection, use, disclosure, and the safeguarding of personal information. If I encounter a matter in which I am unsure how I should collect, use, disclose, or safeguard personal information, I will contact the Light of Christ School's Access and Privacy Officer before proceeding.

[124] Another clause in the form provides as follows:

- I will not disclose Confidential Information to any employee, consultant or third party unless:
  - they agree to execute and be bound by the terms of this agreement or a similar agreement; and
  - have been approved in writing by Light of Christ Catholic Schools.

[125] I recommend that the above clause be modified so that the disclosure of any personal information would only be in accordance with LA FOIP.

**e. Lloydminster Public School Division No. 99**

**i. Containment**

[126] On June 17, 2019, Lloydminster Public School Division became aware of the email containing a link to the survey sent by the STF to teachers. The following day, on June 18, 2019, the Director of Education contacted all members of the Lloydminster Teachers' Association to instruct them to not complete the survey.

[127] The Director of Education followed up with the one teacher who did complete the survey to determine if any records were created in the course of completing the survey. The teacher indicated that they had created a chart and attendance sheets while completing the survey, but had already shredded those documents.

**ii. Notification**

[128] See paragraphs [40] to [45].

**iii. Investigation**

[129] Through its investigation, Lloydminster Public School Division determined that while the survey was sent to 16 members of the Lloydminster Teachers' Association, 15 members did not do anything with the email or survey. One member had forwarded the STF email to a colleague, who is a teacher who provided direct instruction to students. This was the one teacher who completed the survey.

[130] Lloydminster did not identify any root cause(s) to the privacy breach.

**iv. Prevention**

[131] Lloydminster Public School Division did not identify any plans to prevent similar privacy breaches in the future.

**v. Written investigation report**

[132] Lloydminster Public School Division provided my office with its investigation report on how it has responded to this privacy breach, which is summarized above.

Recommendations

[133] I recommend that Lloydminster Public School Division provide a notification to affected individuals as described at paragraph [45].

[134] I recommend that Lloydminster Public School Division establish policies and procedures based on LA FOIP, if it does not have already have them.

[135] I recommend that Lloydminster Public School Division provide regular LA FOIP training on an annual basis to its teachers and staff.

[136] I recommend that after having provided LA FOIP training, Lloydminster Public School Division requires its teachers and staff to sign a form on an annual basis that indicates that they understand the policies and procedures and they agree to abide by them.

[137] I recommend that Lloydminster Public School Division appoint an individual to be its LA FOIP Access and Privacy Officer to ensure that the school division's compliance with LA FOIP, as described at paragraph [63].

**f. Good Spirit School Division No. 204**

**i. Containment**

[138] After learning about the survey, Good Spirt School Division sent a memo to administrators and teaching staff to not complete the survey on June 18, 2019. If they did complete the survey, the school division instructed the teachers to notify their superintendent.

**ii. Notification**

[139] See paragraphs [40] to [45].

**iii. Investigation**



[140] Through its investigation, Good Spirit School Division determined that five of its teachers completed the survey. It has not identified any root cause(s) that contributed to the privacy breaches.

#### **iv. Prevention**

[141] Good Spirit School Division did not identify any plans to prevent similar privacy breaches in the future.

#### **v. Written investigation report**

[142] Good Spirit School Division has provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

#### Recommendations

[143] I note that in my office's Investigation Report 028-2018, 049-2018, Good Spirit School Division indicated to my office that at the start of each school year, it will review its *Administrative Procedure 180 – Local Authority Freedom of Information & Protection of Privacy* with its employees and its employees will acknowledge in writing that they have reviewed that procedure along with other procedures. I recommend that Good Spirit School Division continue this practice since this practice may have been the reason that no more than five of its teachers completed the survey. However, I recommend that Good Spirit School Division integrate examples of how teachers can comply with LA FOIP and with its administrative procedure to make its training even more effective.

[144] I recommend that Good Spirit School Division provide a notification to affected individuals as described at paragraph [45].

[145] I recommend that Good Spirit School Division establish policies and procedures based on LA FOIP, if it does not already have them.

[146] I recommend that Good Spirit School Division requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[147] I recommend that Good Spirit School Division appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**g. Regina Roman Catholic Separate School Division No. 81**

**i. Containment**

[148] On June 18, 2019, the Director of Education sent an email to all teachers, principals, vice principals, senior administrators and board trustees alerting them to the STF survey with instructions to not complete the survey. However, if the survey was completed, the teachers were to immediately inform their school's superintendent.

**ii. Notification**

[149] See paragraphs [40] to [45].

**iii. Investigation**

[150] Through its investigation, Regina Roman Catholic Separate School Division (Regina Roman Catholic), determined that three of its teachers completed the survey. It did not specifically identify a root cause of the privacy breaches. However, it noted that STF had sent the survey directly to STF members and that the school division was not given any information regarding the survey.

**iv. Prevention**

[151] Regina Roman Catholic reported to my office that it was creating an online module for all staff to complete regarding access to information and privacy. This module will include information about what do when an organization requests information about students. It said that all staff will be required to complete the module.

**v. Written investigation report**

[152] Regina Roman Catholic provided my office with an investigation report on how it has responded to the privacy breaches, which is summarized above.

Recommendations

[153] I recommend that Regina Roman Catholic provide notification to affected individuals as described at paragraph [45].

[154] I recommend that Regina Roman Catholic establish policies and procedures based on LA FOIP, if it does not already have them.

[155] I recommend that Regina Roman Catholic requires its teachers and staff to complete the online module on access to information privacy on an annual basis, if it is not already doing so.

[156] I recommend that Regina Roman Catholic requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[157] I recommend that Regina Roman Catholic appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**h. Saskatchewan Rivers Public School Division No. 119**

**i. Containment**

[158] After learning about the STF survey on June 17, 2019, Saskatchewan Rivers Public School Division (Saskatchewan Rivers) sent an email dated June 18, 2019 to all its teaching staff. The email instructed teachers to do the following:

- 1) Contact the school divisions LA FOIP Coordinator if they had completed the STF survey,
- 2) If they had completed the survey, to provide the LA FOIP Coordinator with any original records that were created or compiled in the process of completing the STF survey, and
- 3) After providing the records to the LA FOIP Coordinator, to destroy all copies of the records.

[159] Eight of its teachers came forward to indicate that they had received the survey. Four of them indicated that they did not complete the survey while four others indicated they did. However, for those who did complete the survey, they did not create any new records to assist them to complete the survey.

**ii. Notification**

[160] See paragraphs [40] to [45].

**iii. Investigation**

[161] In addition to requesting that teachers report to the LA FOIP Coordinator if they had completed the STF Survey, Saskatchewan Rivers also searched its email system to see which teachers would have received an email with the subject line “Survey to Support our Provincial Collective Bargaining Team”. It determined that email was sent or forwarded eight times. It also determined that the link to the STF survey that was contained in that email was accessed two times from the school division’s network. The two people who had accessed the survey from the school division’s network had already self-declared.

[162] In terms of a root cause, Saskatchewan Rivers noted that in the case of this STF survey, LA FOIP was circumvented because external access was given to personal information that was generated or collected by the school division.

**iv. Prevention**

[163] Saskatchewan Rivers reported to my office in July of 2019 that its teachers will be provided with the school divisions LA FOIP expectations.

**v. Written investigation report**

[164] Saskatchewan Rivers provided my office with an investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

[165] I recommend that Saskatchewan Rivers provide notification to affected individuals as described at paragraph [45].

[166] I recommend that Saskatchewan Rivers establish policies and procedures based on LA FOIP, if it does not already have them.

[167] I recommend that Saskatchewan Rivers provide regular LA FOIP training on an annual basis to its teachers and staff.

[168] I recommend that after having provided LA FOIP training, that Saskatchewan Rivers requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

**i. Creighton School Division No. 111**

**i. Containment**

[169] Creighton School Division recovered a record that was created by a teacher that had completed the survey. It did not provide any further description of its containment efforts but it did provide a description of its investigation and prevention efforts, as described below.

**ii. Notification**

[170] See paragraphs [40] to [45].

**iii. Investigation**

[171] Through its investigation, Creighton School Division determined that one of its teachers completed the survey. In the course of completing the survey, the teacher had created a handwritten “tick sheet”. It has recovered the handwritten tick sheet from the teacher.

**iv. Prevention**

[172] Creighton School Division indicated to my office that it was in the processing of a developing a policy which indicates that no teacher or other employee will complete any survey without the written consent of the school division.

**v. Written investigation report**

[173] Creighton School Division provided my office with its investigation report on how it responded to the privacy breach, which is summarized above.

Recommendations

[174] I recommend that Creighton School Division provide notification to affected individuals as described at paragraph [45].

- [175] I recommend that in addition to its policy about teachers and staff not completing surveys without the written authorization of the school division, that the school division establish policies and procedures that are based on LA FOIP.
- [176] I recommend that Creighton School Division provide regular LA FOIP training on an annual basis to its teachers and staff.
- [177] I recommend that after having provided LA FOIP training, Creighton School Division requires its teachers and staff to sign a form on an annual basis that indicates that they understand the policies and procedures and they agree to abide by them.
- [178] I recommend that Creighton School Division appoint an individual to be its LA FOIP Access and Privacy Officer to ensure that the school division's compliance with LA FOIP, as described at paragraph [63].

**j. Southeast Cornerstone School Division No. 209**

**i. Containment**

- [179] After learning about the STF survey from a teacher who had received the email from the STF containing the survey link and from the SSBA, the Director of Education at the Southeast Cornerstone School Division sent an email dated June 18, 2019 to all of its teachers instructing them not to complete the STF survey. The email also instructed teachers that if they had completed the survey, to notify their school's superintendent.
- [180] The Director of Education sent another email dated June 21, 2019 to all teachers requesting that if any teachers had completed the survey and if they created any records while completing the survey, that the teacher inform their school's superintendent and to turn over any of the records.

[181] As a result of the containment efforts, it was determined that two teachers had completed the survey while two others had begun the survey but did not complete it.

**ii. Notification**

[182] See paragraphs [40] to [45].

**iii. Investigation**

[183] As noted earlier, two teachers had completed the survey while two others had begun the survey, but did not complete the survey. Southeast Cornerstone School Division did not identify a root cause to the privacy breaches in its investigation report provided to my office.

**iv. Prevention**

[184] Southeast Cornerstone School Division indicated to my office that it was developing a plan to share information with in-school administrators to share with its staff at staff meetings. The information will outline their responsibilities under LA FOIP. Reminders of their obligations will be shared at various designated times through the school year.

**v. Written investigation report**

[185] Southeast Cornerstone School Division provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

**Recommendations**

[186] I recommend that Southeast Cornerstone School Division provide a notification to affected individuals as described at paragraph [45].



[187] I recommend that Southeast Cornerstone School Division establish policies and procedures based on LA FOIP, if it does not already have them.

[188] I recommend that Southeast Cornerstone School Division continue with its plan to share information about staff's responsibilities under LA FOIP through the school year.

[189] I recommend that Southeast Cornerstone School Division provide annual access and privacy training to its staff on an annual basis.

[190] I recommend that after having provided LA FOIP training, Southeast Cornerstone School Division requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[191] I recommend that Southeast Cornerstone School Division appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

#### **k. Prairie Valley School Division No. 208**

##### **i. Containment**

[192] After it learned of the STF survey from the SSBA, Prairie Valley School Division (Prairie Valley) sent a note to all teachers on June 18, 2019, directing them to not complete the survey. If they had accessed the survey, then the teachers were to report to their superintendent of education. No teachers came forward.

##### **ii. Notification**

[193] See paragraphs [40] to [45].

##### **iii. Investigation**

[194] In addition to requesting that teachers come forward if they had completed the survey, Prairie Valley also scanned its computer network to determine if any teacher may have accessed the STF survey from the school division's network. The scan determined that survey was not accessed by any of its teachers from the school division's network. Since there appears to be no survey completed, there is no need for Prairie Valley to determine a root cause of the breach.

#### **iv. Prevention**

[195] Prairie Valley outlined its privacy training that it provides to its employees as follows:

- It provides privacy training to all of its new employees at orientation so they understand their responsibilities under LA FOIP.
- It consistently communicates to employees through internal communication channels about privacy breaches that occur throughout the province as a means to further education employees about their responsibilities and how privacy breaches occur.
- Prior to each school year, each principal is required to review with their school staff certain foundational administrative procedures, which includes the administrative procedures related to freedom of information, the protection of privacy, and confidentiality.
- Prairie Valley provides privacy refreshers to school-based administrators and other managers annual to share with staff to reinforce privacy remains top of mind.

[196] I find Prairie Valley's approach to providing training to its employees throughout the school year to be impressive.

#### **v. Written investigation report**

[197] Prairie Valley provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

#### **Recommendation**

[198] I recommend that Prairie Valley requires its staff to sign a form on an annual basis that indicates they understand the administrative procedures on freedom of information, protection of privacy, and confidentiality and they agreed to abide by these administrative procedures.

**I. North East School Division No. 200**

**i. Containment**

[199] After learning about the STF Survey from the SSBA on June 17, 2019, the North East School Division sent an email dated June 18, 2019 to its teachers. The email instructed teachers to not complete the survey. However, if they did complete the survey, then teachers were to inform the Superintendent of Human Resources/Privacy Officer.

[200] Another email dated June 25, 2019 was sent to all teachers as a reminder that if they completed the survey, that they were to notify the Superintendent of Human Resources/Privacy Officer.

[201] No teachers came forward indicating they completed the survey.

**ii. Notification**

[202] See paragraphs [40] to [45].

**iii. Investigation**

[203] Since North East School Division indicated that no teachers came forward, my office asked on August 8, 2019 if the school division can determine if the STF survey might have been accessed from the school division's network. Unfortunately, its Internet filtering log is purged every 30 days. Therefore, any log that would have captured the accessing of the STF survey would have been purged in July of 2019. As such, it could not determine if the STF survey was accessed from its network.

**iv. Prevention**

[204] North East School Division indicated that it created guidelines in November 2018 regarding student/individual privacy and confidentiality and the use of online/social media in all schools. These guidelines have been shared with staff. Further, it indicated that privacy discussions occurred in schools in January 2019 during the School Improvement Planning.

[205] North East School Division also indicated that has also created an administrative procedure on freedom of information and protection of privacy. In August of 2019, it indicated that the administrative procedure would be reviewed with all staff in the upcoming school year.

**v. Written investigation report**

[206] North East School Division provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

[207] I recommend that North East School Division provide regular LA FOIP training on an annual basis to its teachers and staff.

[208] I recommend that after having provided LA FOIP training, North East School Division requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[209] I recommend that North East School Division appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**m. Regina School Division No. 4**

**i. Containment**

[210] After learning about the STF survey, the Director of Education sent an email dated June 20, 2019 to all teachers instructing them to not complete the STF survey. If they did complete the survey, they were to notify their school's superintendent. As a result, 13 teachers notified their superintendent indicating they had completed the survey.

**ii. Notification**

[211] See paragraphs [40] to [45].

**iii. Investigation**

[212] In addition to requesting that teachers notify their superintendent, Regina School Division conducted a search of its email system to see if any teachers had received the STF email with the survey link. Regina School Division recovered three emails. Through this, they were able to identify a staff member that was not previously identified as completing the survey. Regina School Division followed up with this teacher, who indicated that they had begun the survey but did not complete it.

[213] Based on materials provided to my office, teachers who did complete the survey indicated they believed it was okay to complete the survey given the source of the survey (STF). I would cite this as a root cause of the privacy breaches.

**iv. Prevention**

[214] Regina School Division did not identify any prevention measures to my office in this particular matter.

**v. Written investigation report**

[215] Regina School Division provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

### Recommendations

[216] I note that in Investigation Report 218-2017, I had recommended that Regina School Division provide access and privacy training annually. I also recommended that it require employees to sign its confidentiality agreement annually. Regina School Division responded that would comply with those recommendations. I recommend that Regina School Division maintain this practice. I recommend that it update its access and privacy training to include a discussion about how this STF survey would qualify as a privacy breach.

[217] I recommend that Regina School Division provide notification to affected individuals as described at paragraph [45].

[218] I recommend that Regina School Division establish policies and procedures based on LA FOIP, if it does not already have them.

## **n. Horizon School Division No. 205**

### **i. Containment**

[219] On June 18, 2019, the Director of Education sent a memo to teachers instructing them to not complete the survey. However, if they did complete the survey, the Director of Education requested that teachers notify his office. As a result, 10 teachers came forward to indicate they had completed the survey.

### **ii. Notification**

[220] See paragraphs [40] to [45].

### **iii. Investigation**

[221] In addition to requesting that teachers to notify the Director of Education's office if they had completed the survey, the school division conducted a search to see if any teacher may have accessed the STF survey from the school division's network. It identified 14 employees accessed the STF survey from the school division's network. However, Horizon School Division said it's unsure if these 14 employees completed the survey. I recommend that Horizon School Division follow-up with these 14 employees to determine if they had completed the survey. Of the 14, I note that four of them have already self-identified to the Director of Education's office as having completed the survey. Therefore, Horizon School Division should follow-up with the remaining 10 to get a greater understanding of the breadth of the potential privacy breaches and the number of potentially affected individuals. This is important so that Horizon School Division can have a greater understanding of which of their students may be an affected individual. Should concerned students, parents, and/or guardians contact the school division regarding potential privacy breaches stemming from this STF survey, the school division can inform the student/parent/guardian if they were (or potentially were) an affected individual. It should also follow-up with these 10 to see if any records were created as a result of completing the survey. If so, Horizon School Division should recover these records and ensure they are destroyed in a secure fashion.

### **iv. Prevention**

[222] Horizon School Division indicated that it provides annual access and privacy training to its teachers and staff and that it will continue to do so going forward.

### **v. Written investigation report**

[223] Horizon School Division provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

### Recommendations

[224] I recommend that Horizon School Division follow-up with the 14 individuals it identified to have access to the STF survey from its computer network to see if they completed the survey. This will enable Horizon School Division to know which of its students might have been affected individually in this privacy breach.

[225] I recommend that Horizon School Division provide notification to affected individuals as described at paragraph [45].

[226] I recommend that Horizon School Division establish policies and procedures based on LA FOIP, if it does not already have them.

[227] I recommend that Horizon School Division continue to provide regular LA FOIP training on an annual basis to its teachers and staff. I recommend that it update its access and training to include a discussion about how this STF survey would qualify as a privacy breach.

[228] I recommend that after having provided LA FOIP training, Horizon School Division requires its teachers and staff to sign a form on an annual basis that indicates that they understand the policies and procedures and they agree to abide by them.

**o. Prairie Spirit School Division No. 206**

**i. Containment**

[229] After learning about the STF survey, Prairie Spirit School Division (Prairie Spirit) indicated that it contacted all staff and requested that they not complete the survey.

**ii. Notification**

[230] See paragraphs [40] to [45].



### **iii. Investigation**

[231] Prairie Spirit indicated to my office that its senior administration worked with the president of Prairie Spirit Teachers' Association (PSTA) and checked with all the PSTA School Staff Liaisons and PSTA executive members to identify who might have received the STF survey. It determined that 72 teachers received the email from STF requesting that they complete the survey. 66 teachers reported to Prairie Spirit as having not filled out the survey while six had either begun filling in the survey or completed the survey. Of these six, none of them reported having created any records.

### **iv. Prevention**

[232] Prairie Spirit did not provide my office with details about how it might prevent similar privacy breaches in the future.

### **v. Written investigation report**

[233] Prairie Spirit provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

### **Recommendations**

[234] I recommend that Prairie Spirit provide a notification to affected individuals as described at paragraph [45].

[235] I recommend that Prairie Spirit establish policies and procedures based on LA FOIP, if it does not already have them.

[236] I recommend that Prairie Spirit provide regular LA FOIP training on an annual basis to its teachers and staff.

[237] I recommend that after having provided LA FOIP training, Prairie Spirit requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[238] I recommend that Prairie Spirit appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described by paragraph [63].

**p. Christ the Teacher Roman Catholic Separate School Division No. 212**

**i. Containment**

[239] On June 18, 2019, the Director of Education at Christ the Teacher Roman Catholic Separate School Division (Christ the Teacher) met with the President of the Christ the Teacher Teacher's Local Association (CTA). As a result of that meeting, the following occurred:

- the CTA president contacted the STF to see who had received the survey. Based on an email dated June 27, 2019, the CTA president advised the Director of Education that 10 individuals had received the email but none had completed the survey.
- the Director contacted school principals to ask teachers who were members of the STF to verify if they had completed the survey. No teachers had completed the survey.

**ii. Notification**

[240] See paragraphs [40] to [45].

**iii. Investigation**

[241] Christ the Teacher's investigation is summarized in the "Containment" section above. I note that the CTA's President's email dated June 27, 2019 cited LA FOIP education that

teachers received from the school division as a reason for the teachers not completing the survey.

#### **iv. Prevention**

[242] Since it appears no privacy breaches occurred at Christ the Teacher, no prevention plan was detailed.

#### **v. Written investigation report**

[243] Christ the Teacher provided my office with its investigation report into this matter, which is summarized above.

#### Recommendations

[244] I recommend that Christ the Teacher establish policies and procedures based on LA FOIP, if it does not already have them.

[245] I recommend that Christ the Teacher continue the access and privacy training it provides to its teachers and staff. The training should take place regularly on an annual basis.

[246] I recommend that after having provided LA FOIP training, Christ the Teacher requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[247] I recommend that Christ the Teacher appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

#### **q. Living Sky School Division No. 202**

##### **i. Containment**

[248] After learning the about the STF survey from the SSBA, Living Sky School Division (Living Sky) sent an email with an attached letter dated June 20, 2019 to all of its teachers. The letter instructed teachers to not complete the survey. However, if they did complete the survey, they were to notify their superintendent.

**ii. Notification**

[249] See paragraphs [40] to [45].

**iii. Investigation**

[250] Living Sky contacted the Tri-West Teachers' Association (Tri-West) to determine who received the STF survey. Tri-West indicated that its executive members and school staff liaisons had received the survey. From those who received the survey, Living Sky was able to determine that five of its teachers had completed the survey. In its investigation, Living Sky determined that teachers did not create new records when completing the survey.

**iv. Prevention**

[251] Living Sky did not provide details of a plan to prevent similar privacy breaches in the future.

**v. Written investigation report**

[252] Living Sky provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

- [253] I recommend that Living Sky provide a notification to affected individuals as described at paragraph [45].
- [254] I recommend that Living Sky establish policies and procedures based on LA FOIP, if it does not already have them.
- [255] I recommend that Living Sky provide regular LA FOIP training on an annual basis to its teachers and staff.
- [256] I recommend that after having provided LA FOIP training, Living Sky requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.
- [257] I recommend that Living Sky appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**r. Ile-a-la-Cross School Division. 112**

**i. Containment**

- [258] My office received limited information regarding Ile-a-la-Cross School Division (Ile-a-la-Cross) response to this matter. Ile-a-la-Cross indicated to my office that the previous Director of Education had requested that all staff not to participate. However, it's unclear how this request was made. For example, my office did not receive a copy of an email or letter that was sent to teachers instructing them not to complete the survey nor did it provide my office with details if the request was made by telephone or during a meeting. Then, in the course of my office's investigation, the previous Director of Education retired. The current Director of Education indicated to my office that their principals followed-up with every teacher at their schools and verified that no teacher had responded to the survey. My office did not receive any further information.

**ii. Notification**

[259] See paragraphs [40] to [45].

**iii. Investigation**

[260] My office did not receive details about how Ile-a-la-Cross's investigation into the matter other than confirmation that all principals had followed up with every teacher at their schools and verified that they did not respond to the survey.

**iv. Prevention**

[261] Ile-a-la-Cross did not provide details about a prevention plan.

**v. Written investigation report**

[262] My office received limited information, as summarized above, regarding how Ile-a-la-Cross responded and manage this matter.

Recommendations

[263] I recommend that Ile-a-la-Cross establish policies and procedures based on LA FOIP, if it does not already have them.

[264] I recommend that Ile-a-la-Cross provide regular LA FOIP training on an annual basis to its teachers and staff.

[265] I recommend that after having provided LA FOIP training, Ile-a-la-Cross requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[266] I recommend that Ile-a-la-Cross appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**s. St. Paul's Roman Catholic Separate School Division No. 20**

**i. Containment**

[267] On June 18, 2019, St Paul's Roman Catholic Separate School Division (St. Paul's) became aware of the STF survey. On that same day, St. Paul's sent an email to all teaching and administrative staff regarding the survey. It instructed teaching staff to not complete the survey but if they did, they are to contact their principal immediately.

[268] On June 21, 2019, St. Paul's sent a second email to its administrators requesting that they follow-up with staff regarding the survey. They were also asked to determine if teachers created records as a result of completing the survey. If records were created, then principals were asked to gather the records. Once a copy of the records were provided to the principals, then teachers were asked to destroy the records.

**ii. Notification**

[269] See paragraphs [40] to [45].

**iii. Investigation**

[270] Through its investigation, St. Paul's was able to determine that 11 of its teachers had completed the survey.

**iv. Prevention**

[271] St. Paul's indicated that it will continue to work with its employees to ensure they understand LA FOIP so that they know when and what information they can share when they receive a request for information regarding students.

**v. Written investigation report**

[272] St. Paul's provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

[273] I recommend that St. Paul's provide notification to affected individuals as described at paragraph [45].

[274] I recommend that St. Paul's establish policies and procedures based on LA FOIP, if it does not already have them.

[275] I recommend that St. Paul's provide regular LA FOIP training on an annual basis to its teachers and staff.

[276] I recommend that after having provided LA FOIP training, St. Paul's requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

**t. Northwest School Division No. 203**

**i. Containment**

[277] Northwest School Division (Northwest) learned of the STF survey from SSBA's email dated June 17, 2019. Northwest instructed its superintendents to inquire with their schools as to who would have completed the survey and to determine if any records were created.



**ii. Notification**

[278] See paragraphs [40] to [45].

**iii. Investigation**

[279] Through its investigation, Northwest determined that 15 of its staff completed the survey. It also determined that none of its staff created records as a result of completing the survey. It determined that a root cause of the privacy breaches is that teachers would have assumed that the survey would have been “vetted through the proper channels” since the request to complete the survey came from the STF.

**iv. Prevention**

[280] Northwest indicated it would provide awareness to all of its staff about the sharing of personal information. It has instructed its staff that if they are in doubt or needing assistance to determine if the sharing would be a violation of LA FOIP, then they are to contact the LA FOIP Access Coordinator. It also said that each of its staff members would complete a module on LA FOIP and that all new staff joining the school division will be given training on its privacy policies and responsibilities as a part of its onboarding process.

**v. Written investigation report**

[281] Northwest provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

**Recommendations**

[282] I recommend that Northwest provide notification to affected individuals as described at paragraph [45].

[283] I recommend that Northwest establish policies and procedures based on LA FOIP, if it does not already have them.

[284] I recommend that Northwest provide LA FOIP training based on its policies and procedures on an annual basis.

[285] I recommend that Northwest require each of its staff members to complete the module on LA FOIP on an annual basis.

[286] I recommend that after having provided training, Northwest requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agreed to abide by them.

**u. Sun West School Division No. 207**

**i. Containment**

[287] After Sun West School Division (Sun West) learned of the STF survey, it directed its teachers to not complete the survey but if they did, that they report the matter to their superintendent. It also sent emails to the executive members and school staff liaison representatives of the Sun West Teachers' Association to determine if they had received the link to the STF survey and if they completed the survey.

**ii. Notification**

[288] See paragraphs [40] to [45].

**iii. Investigation**

[289] Through its investigation, Sun West determined that one teacher had completed the survey. The teacher indicated that they had not entered any student initials into the survey nor did they create any records as a result of completing the survey.

[290] Sun West indicated to my office that teachers may have questioned the release of information had the request for the information come from an organization other than the STF. However, since the request came from the STF, teachers may have not questioned the release of information. It said:

As this survey was sent to teachers by the STF, I believe that our teachers may have not questioned the release of information in the same manner that they would have if sent from a different outside agency. I do not believe that any teachers will have completed a survey such as this if it was not sent to them by their provincial union.

#### **iv. Prevention**

[291] Sun West informed my office of number of prevention measures it has taken to prevent similar privacy breaches, including:

- Informing its teachers about the potential for privacy breaches as a result of completing the STF survey. It believes such communication will assist in avoiding similar privacy breaches in the future.
- Providing presentations to its staff about LA FOIP, which highlights the collection, storage, use/access/disclosure and disposal of information. The presentations also provide scenarios to ensure that staff members understand the types of information that should not be released.
- School-based administrators attending a LA FOIP presentation by the SSBA.
- Employees sign an acknowledgement that they understand the administrative procedures regarding the protection of personal information and confidentiality on an annual basis.

[292] I find that Sun West's preventative measures to be appropriate.

#### **v. Written investigation report**

[293] Sun West provided my office with its investigation report on how it responded to the privacy breach, which is summarized above.

Recommendations

[294] I recommend that Sun West provide a notification to affected individuals as described at paragraph [45].

[295] I recommend that Sun West continue to provide LA FOIP training to its teachers and staff based on its administrative procedures on an annual basis,

[296] I recommend that Sun West continue to require its teachers and staff to sign an acknowledgement that they understand the administrative procedures regarding the protection of personal information and confidentiality on an annual basis.

**v. Holy Family Roman Catholic Separate School Division No. 140**

**i. Containment**

[297] After Holy Family Roman Catholic Separate School Division (Holy Family) about the STF survey, it sent a letter to its principals requesting that they advise their teachers to not complete the survey and to collect the names of the teachers who have already completed the survey.

**ii. Notification**

[298] See paragraphs [40] to [45].

**iii. Investigation**

[299] Through its investigation, Holy Family determined that five of its teachers completed the survey.

**iv. Prevention**

[300] Holy Family provided LA FOIP training to its staff on October 7, 2019. As well, it has an operations procedure on the sharing of information.

**v. Written investigation report**

[301] Holy Family provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

[302] I recommend that Holy Family provide notification to affected individuals as described at paragraph [45].

[303] I recommend that, in addition to its operations procedures on the sharing of information, Holy Family establish policies and procedures based on LA FOIP, if it does not already have them.

[304] I recommend that Holy Family provide regular LA FOIP training on an annual basis to its teachers and staff.

[305] I recommend that after having provided LA FOIP training, Holy Family requires its teachers and staff to sign a form on an annual basis that indicates that they understand the policies and procedures and they agree to abide by them.

[306] I recommend that Holy Family appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**w. Northern Lights School Division No. 113**

**i. Containment**

[307] In a letter dated July 11, 2019, the Director of Education of Northern Lights School Division (Northern Lights) requested that teachers to report whether they have completed the STF survey. The Director of Education also requested that if teachers created records as a result of completing the survey, that they provide the records to the school division's office.

[308] Northern Lights also conducted a search of the Internet activity in its schools to determine if the STF survey may have been accessed from its network. It determined that the STF survey was not accessed from its network.

## **ii. Notification**

[309] See paragraphs [40] to [45].

## **iii. Investigation**

[310] Through its investigation, Northern Lights determined that one teacher had completed the survey. This teacher recalled that as they were completing the survey, there were flashing messages indicating that the initials of the students were for the teachers' reference, that the initials were not being saved, or that the initials were being saved with Praxis Analytics. The teacher indicated that they felt they were not breaching confidentiality and that the flashing messages specifying that the data was not being saved addressed their fears. The teacher also indicated that they have confidence in the STF to ask teachers to do only "ethical things."

[311] Similar to conclusions from other school division, it would appear that a root cause of this privacy breach would be teachers trusting the STF instead of exercising their own judgement as to whether or not the survey would be a disclosure of personal information that is not authorized by LA FOIP.

## **iv. Prevention**

[312] Northern Lights has not provided my office with details on how it plans to prevent similar privacy breaches in the future.

**v. Written investigation report**

[313] Northern Lights provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

[314] I recommend that Northern Lights provide a notification to affected individuals as described at paragraph [45].

[315] I recommend that Northern Lights establish policies and procedures based on LA FOIP, if it does not already have them.

[316] I recommend that Northern Lights provide regular LA FOIP training on an annual basis to its teachers and staff.

[317] I recommend that after having provided LA FOIP training, Northern Lights requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

**x. Prince Albert Roman Catholic Separate School Division**

**i. Containment**

[318] After learning about the STF survey, Prince Albert Roman Catholic Separate School Division (Prince Albert Roman Catholic) contacted its employees and teachers to determine who had completed the survey. It requested that teachers report to their school-based administrator. As a result, one teacher came forward.

[319] Prince Albert Roman Catholic indicated it was not able to determine who may have accessed the STF survey from its computer network without more advanced and sophisticated technology.

**ii. Notification**

[320] See paragraphs [40] to [45].

**iii. Investigation**

[321] As mentioned above, Prince Albert Roman Catholic determined that one teacher had completed the survey. It did not identify any root causes of the privacy breach to my office.

**iv. Prevention**

[322] At the time of providing my office with its investigation report, in July of 2019, Prince Albert Roman Catholic indicated that it would require “the protection of privacy video” at the school staff opening meeting.

**v. Written investigation report**

[323] Prince Albert Roman Catholic provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

Recommendations

[324] I recommend that Prince Albert Roman Catholic provide a notification to affected individuals as described at paragraph [45].

[325] I recommend that Prince Albert Roman Catholic establish policies and procedures based on LA FOIP, if it does not already have them.



[326] I recommend that Prince Albert Roman Catholic provide regular LA FOIP training on an annual basis to its teachers and staff.

[327] I recommend that after having provided LA FOIP training, Prince Albert Roman Catholic requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[328] I recommend that Prince Albert Roman Catholic appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**y. Lloydminster Roman Catholic Separate School Division No. 89**

**i. Containment**

[329] On June 24, 2019, the Director of Education at Lloydminster Roman Catholic Separate School Division (Lloydminster Roman Catholic) sent an email to all teachers asking if they completed the survey and if they created any records. If so, they were to contact the Director of Education or the Deputy Director of Learning and to send the records to the central office.

[330] Lloydminster Roman Catholic also conducted a search of teachers' professional email accounts for emails received on June 11, 2019 with the subject line "Survey to Support our Provincial Collective Bargaining Team". It did not locate any emails that was sent by STF to its teachers professional email accounts.

**ii. Notification**

[331] See paragraphs [40] to [45].

**iii. Investigation**

[332] Through its investigation, it determined that none of its teachers had completed the survey. One teacher indicate that they received the request from STF to complete the survey but they did not complete it.

#### **iv. Prevention**

[333] Lloydminster Roman Catholic did not provide details to my office regarding its plan to prevent similar privacy breaches in the future. This could be because it determined that none of its teachers completed the survey.

#### **v. Written investigation report**

[334] Lloydminster Roman Catholic provided my office with its investigation report, which is summarized above.

#### **Recommendations**

[335] I recommend that Lloydminster Roman Catholic establish policies and procedures based on LA FOIP, if it has not already have them.

[336] I recommend that Lloydminster Roman Catholic provide regular LA FOIP training on an annual basis to its teachers and staff.

[337] I recommend that after having provided LA FOIP training, Lloydminster Roman Catholic requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

[338] I recommend that Lloydminster Roman Catholic appoint an individual to be its LA FOIP Access and Privacy Officer to ensure the school division's compliance with LA FOIP, as described at paragraph [63].

**z. Prairie South School Division No. 210**

**i. Containment**

[339] On June 18, 2019, the Privacy Officer at Prairie South School Division (Prairie South) met with the president at the Prairie South Local Teachers' Association to determine to whom the STF survey was sent. It was determined that 45 teachers had received the request from STF to complete the survey.

[340] That same day, the Director of Education at Prairie South sent an email to the 45 teachers instructing them that they are not to complete the survey. However, if they did complete the survey, that they are to advise the Director. Eight teachers advised the Director they had completed the survey.

[341] The Privacy Officer contacted the eight teachers to learn more about what information was disclosed by the teachers, including the grades and the number of students information was reported on.

**ii. Notification**

[342] See paragraphs [40] to [45].

**iii. Investigation**

[343] As part of its investigation, the Privacy Officer contacted the STF with questions about whether a PIA was completed, where the information collected from the information was stored, was the information used in any way, and if the information was deleted.

[344] The STF responded by indicating that it did not complete a PIA since it is not required by law, it asserts that information "was stored in Saskatchewan, on the Praxis Analytics network", that the information was not used in any way, and the information had been destroyed. I note there is a discrepancy between what STF reported to Prairie South and

what Praxis Analytics indicated to my office regarding the storage of the information. STF indicated that the information was stored in Saskatchewan by Praxis Analytics indicates it was stored in Toronto. I trust that the information was stored in Toronto as QuestionPro's servers are in Toronto.

[345] I commend Prairie South for comprehensively investigating this matter to determine what had happened.

#### **iv. Prevention**

[346] Prairie South indicated that it would continue to communicate with employees the importance of and their responsibility in ensuring personal information is protected.

#### **v. Written investigation report**

[347] Prairie South provided my office with its investigation report on how it responded to the privacy breaches, which is summarized above.

#### Recommendations

[348] I recommend that Prairie South provide a notification to affected individuals as described at paragraph [45].

[349] I recommend that Prairie South establish policies and procedures based on LA FOIP, if it does not already have them.

[350] I recommend that Prairie South provide regular LA FOIP training on an annual basis to its teachers and staff.

[351] I recommend that after having provided LA FOIP training, Prairie South requires its teachers and staff to sign a form on an annual basis that indicates they understand the policies and procedures and they agree to abide by them.

**aa. Conseil des écoles fransaskoises No. 310**

[352] In the course of my office's investigation, my office contacted the Director of Education of Conseil des écoles fransaskoises several times by email on July 10, 2019, August 12, 2019, September 17, 2019, October 16, 2019 and November 7, 2019. My office also spoke with the Director of Education on August 20, 2019, October 1, 2019, October 7, 2019, and October 16, 2019 requesting information regarding Conseil des écoles fransaskoises. However, in spite of being told that by the Director of Education that my office would receive information "by the end of day tomorrow" in each phone call, the information was never sent. It is clear that Conseil des écoles fransaskoises was not prepared to cooperate with my office's investigation. Clearly, Conseil des écoles fransaskoises is not being accountable to its students and their parents and guardians or my office.

[353] Subsection 32(d) of LA FOIP provides me with the power to conduct investigations. It says:

**32** The commissioner may:

...

(d) from time to time, carry out investigations with respect to personal information in the possession or under the control of local authorities to ensure compliance with this Part.

[354] Subsection 56(3) of LA FOIP provides as follows:

**56(3)** Any person who:

(a) without lawful justification or excuse wilfully obstructs, hinders or resists the commissioner or any other person in the exercise of the powers, performance of the duties or the carrying out of the functions of the commissioner or other person pursuant to this Act;

[355] Due to the lack of cooperation from the Director of Education at Conseil des écoles fransaskoises, I recommend that the Board of Education for Conseil des écoles fransaskoises require the Director of Education take intensive LA FOIP training. Further, I recommend that the Board of Education for Conseil des écoles fransaskoises and the

Director of Education establish policies and procedures based on LA FOIP for Conseil des écoles fransaskoises and submit it to my office within 30 days of the issuance of the final version of this Report.

## Appendix B

### Elementary Assessment Rubric

AREA	0	1	2	3	4
<b>1 Attendance and Transience</b> <ul style="list-style-type: none"> <li>• Late</li> <li>• Absent Term</li> <li>• Absent year</li> <li>• Transience</li> </ul>	Not a concern	Absent 2-3 days during a term OR up to 18 days in a year OR late up to 25% of the time OR has moved up to two times in their school career	Absent 4-6 days per term OR 19-24 days in a year OR late 26 to 49% of the time OR has moved 3-4 times in their school career	Absent 7-9 days per term OR 25-36 days in a year OR late 50%-75% of the time OR has moved 5-6 times in their school career	Absent 10 days or more during a term OR 37 or more days in a year OR late 76% of the time or more OR has moved 7 or more times in their school career
<b>2 Behaviour and Interventions</b>	Not a concern	4 times or less during a term the student disrupts the class and/or is non-compliant	Once a week the student disrupts class and/or is non-compliant OR has an outburst once a month or less OR only interacts with other students with adult assistance	Twice a week or more the student disrupts class and/or is non-compliant OR has an outburst once a week or less OR interactions are often inappropriate unless assisted OR withdrawn who rarely interacts with others voluntarily	Daily disrupts class and/or is non-compliant OR refuses to interact with others OR has outbursts twice a week or more OR interactions are always inappropriate unless assisted OR withdrawn who never interacts with others voluntarily
<b>3 Work Habits</b>	Not a concern	25% of time or less the student: needs reminders to complete work, organize work, stay on task	26-50% of time the student: needs reminders to complete work, organize work, stay on task	51-75% of time the student: needs reminders to complete work, organize work, stay on task	76% or more of time the student: needs reminders to complete work, organize work, stay on task
<b>4 Academic Performance</b>	Not a concern	Performing at or above expected achievement based on individual learning capacity	Performing at expected achievement with specific adaptations and support based on individual learning capacity	Performing below expected achievement with specific adaptations on supports based on individual learning capacity	Unable to demonstrate expected achievement with intensive adaptations and supports based on individual learning capacity
<b>5 Reading Level</b>	Not a concern	Reading and comprehension is just below grade level expectations but will be caught up with no extraordinary interventions required	Reading and comprehension is below grade level expectations with weekly interventions required	Reading and comprehension is below grade level expectations with daily interventions required	Reading and comprehension is far below grade level expectations with significant interventions required
<b>6 Independence</b> -consider students who need extra help/assistance during class or during breaks	Not a concern	Completes tasks and follows instructions in a manner similar to same-age peers	Completes tasks and follow instructions with occasional assistance and supervision	Completes tasks and follows instructions with frequent assistance and supervision	Completes tasks with continuous assistance and supervision
<b>7 Adaptations and Support</b>	Not a concern	At grade level with minimal academic adaptations required OR needs accommodations including those for vision OR uses sign language of 1-5 signs	At grade level with occasional academic adaptations required OR needs accommodations including those for vision OR uses sign language of 6-25 signs	Requires frequent academic adaptations OR requires Modified programming for High School OR needs accommodations including those for vision OR uses sign language of 26-100 signs	Requires intensive academic adaptations. An individualized program OR needs accommodations including those for vision OR uses sign language and needs interpreter OR facilitator OR uses Braille
<b>8 English as Additional Language</b>	Not a concern	Is able to comprehend, speak, and write English language with very little difficulty	Experiences occasional difficulty with comprehension OR spoken, OR written language	Experiences frequent difficulty with comprehension OR spoken, OR written language	Is unable to comprehend, speak, or write in the English language.
<b>9 Student Context</b>	Not a concern	Noticeable deterioration in student's health OR safety OR grooming OR nutrition OR behaviour that lasts 4 days or less	Noticeable deterioration in student's health OR safety OR grooming OR nutrition OR behaviour that lasts 5 days or longer	Reports of suspicion of abuse or neglect OR student expressing concerns about home situation or student safety OR health clearly at risk	Confirmed abuse/neglect at home OR student removed by CPS OR death or divorce of parents OR death of close family members/friends

AREA	0	1	2	3	4
10 Personal and Social Well-Being	Not a concern	Generally demonstrates positive age-expected emotional health and social skills	Occasionally benefits from support in developing age-expected emotional health and social skills	Frequently benefits from support in developing age-expected emotional health and social skills	Requires intensive support in developing age-expected emotional health and social skills
11 Parent Contact	Not a concern	Contact with teacher is 1-2 times a month; wants homework	Contact with teacher is every week; wants info on homework and class work OR waits up to a week before responding to school-initiated attempts to communicate	Contact with teacher is at least 3 times a week OR waits 6 days or longer before responding to school-initiated attempts to communicate	Some contact with teacher daily (call or log); OR child-related meetings more than 3 times a year OR does not respond to school-initiated attempts to communicate
12 Medical Needs	Not a concern	Gets meds at school OR needs reminders to take meds at school OR minor health problems	Gets meds as needed OR need to watch for medication reactions OR student attends but is clearly not well	Ongoing medical or health concerns which must be monitored OR uses medical equipment which staff must be trained to use OR shows ongoing symptoms of illness OR says or demonstrates that he/she is not feeling well	Uses some type of medical equipment on a daily basis (catheter, oxygen, respirator, heart monitor, etc.) OR requires nurse in building OR requires injections OR medications given as needed and must be monitored for need
13 Personal Care Needs	Not a concern	Minor physical needs that are currently well-managed	Requires occasional monitoring and/or assistance with personal care needs	Requires frequent monitoring and/or assistance with personal care needs	Requires intensive monitoring and/or assistance with personal care needs
14 Safety of self or others	Not a concern	Requires occasional supervisor to ensure no harm to self or others	Requires frequent supervision and behavioural intervention to ensure no harm to self or others	Requires intensive supervision and behavioural intervention to ensure no harm to self or others	Harms self or others despite intensive supervision
15 Assistive technology	Not a concern	Uses special materials/equipment 25% of the time or less; does not require training of school staff or family	Uses special materials/equipment 26-50% of time; training for school staff and/or family takes less than 2 hours	Uses special materials/equipment 51-75% of time; maintenance of equipment must be done; training for school staff and/or family takes less than 2-4 hours	Uses special materials/equipment 75% of time or more; equipment maintenance is critical; school staff and/or family cannot work with material/equipment without 4 or more hours of training
16 Additional Supports (PT, OT, Speech, Vision, Hearing, Educational Assistants)	No services are required	External agency support is only required and accessed. This could include Social Services, Autism Services, Medical Services, etc)	Receiving intermittent support in classroom or in school	Consult support only provided in school- no direct services are provided	Consult and direct services are required but unable to access OR fine motor ability and/or sensory needs still a major concern OR speech and communication needs still a major concern OR physical ability and/or stamina still a major concern



High School Assessment Rubric

High School

AREA	0	1	2	3	4
<b>1 Attendance and Transiency</b> (i) Late (ii) Absent Term (iii) Absent year (iv) Tranceiency	Absent 1 day or less in a term OR is seldom or never late AND has not changed schools more than once in their school career	Absent 2-3 days during a term OR late up to 25% of the time OR has moved up to two times in their school career	Absent 4-6 days per term OR late 26 to 50% of the time OR has moved 3-4 times in their school career	Absent 7-9 days per term OR late 50%-75% of the time OR has moved 5-6 times in their school career	Absent 10 days or more during a term OR late 76% of the time or more OR has moved 7 or more times in their school career
<b>2 Behaviour and Interventions</b>	Minimal; not a concern	4 times or less during a term the student disrupts the class and/or is non-compliant	Once a week the student disrupts class and/or is non-compliant OR has an outburst once a month or less OR only interacts with other students with adult assistance	Twice a week or more the student disrupts class and/or is non-compliant OR has an outburst once a week or less OR interactions are often inappropriate unless assisted OR withdrawn who rarely interacts with others voluntarily	Daily disrupts class and/or is non-compliant OR refuses to interact with others OR has outburst twice a week or more OR interactions are always inappropriate unless assisted OR withdrawn who never interacts with others voluntarily
<b>3 Work Habits</b>	Not a concern	25% of time or less the student needs reminders to complete work, or organize work, stay on task	26-50% of time the student needs reminders to complete work, organize work, stay on task	51-75% of time the student needs reminders to complete work, organize work, stay on task	76% or more of time the student needs reminders to complete work, organize work, stay on task.
<b>4 Academic Performance</b>	Not a concern	Performing at or above expected achievement based on individual learning capacity	Performing at expected achievement with specific adaptations and supports based on individual learning capacity	Performing below expected achievement with specific adaptations on supports based on individual learning capacity	Unable to demonstrate expected achievement with intensive adaptations and supports based on individual learning capacity
<b>5 Reading Comprehension</b>	Not a concern	Comprehension ability rarely impacts learning.	Comprehension ability sometimes impacts learning.	Comprehension ability often impacts learning.	Comprehension ability routinely impacts learning.
<b>6 Independence -consider students who need extra help/assistance during class or during breaks</b>	Not a concern	Completes tasks and follows instructions in a manner similar to same-age peers	Completes tasks and follow instructions with occasional assistance and supervision	Completes tasks and follows instructions with frequent assistance and supervision	Does not complete tasks OR requires continuous assistance and supervision to complete them
<b>7 Adaptations and Support</b>	No adaptations and support required.	Minimal academic adaptations required OR needs accommodations including those for vision OR uses sign language of 1-5 signs	Occasional academic adaptations required OR needs accommodations including those for vision OR uses sign language of 6-25 signs	Frequent academic adaptations OR requires Modified or Alter native programming OR needs accommodations including those for vision OR uses sign language of 25-100 signs	Intensive academic adaptations. An individualized program OR needs accommodations including those for vision OR uses sign language and needs interpreter OR facilitator OR uses Braille
<b>8 English as Additional Language</b>	Not a concern	Is able to comprehend, speak, read and write English language with very little difficulty	Experiences occasional difficulty with comprehension OR spoken, Or written language	Experiences frequent difficulty with comprehension OR spoken, Or written language	Is unable to comprehend, speak, read or write in the English Language.

AREA	0	1	2	3	4
9 Student Context	Not a concern	Noticeable deterioration in student's health OR safety OR grooming OR nutrition OR behaviour that lasts 4 days or less	Noticeable deterioration in student's health OR safety OR grooming OR nutrition OR behaviour that lasts 5 days or longer	Reports of suspicion of abuse or neglect OR student expressing concerns about home situation or student safety OR health clearly at risk	Confirmed abuse/neglect at home OR student removed by CPS OR death or divorce of parents OR death of close family members/friends
10 Personal and Social Well-Being	Minimal; not a concern	Generally demonstrates positive age-expected emotional health and social skills	Occasionally benefits from support in developing age-expected emotional health and social skills	Frequently benefits from support in developing age-expected emotional health and social skills	Requires intensive support in developing age-expected emotional health and social skills
11 Parent Contact	Regular communication (phone, e-mail, etc.) as needed	Contact with teacher is 1-2 times a month; wants homework	Contact with teacher is every week; wants information on homework and class work OR waits up to a week before responding to school-initiated attempts to communicate	Contact with teacher is at least 3 times a week OR waits 6 days or longer before responding to school-initiated attempts to communicate	Some contact with teacher daily (call or log); OR child-related meetings more than 3 times a year OR does not respond to school-initiated attempts to communicate
12 Medical Needs	Minimal; not a concern	Gets medications at school OR needs reminders to take meds at school OR minor health problems	Gets medications as needed OR need to watch for medication reactions OR student attempts but is clearly not well	Ongoing medical or health concerns which must be monitored OR uses medical equipment which staff must be trained to use OR shows ongoing symptoms of illness OR says or demonstrates that he/she is not feeling well	Uses some type of medical equipment on a daily basis (catheter, oxygen, respirator, heart monitor, etc.) OR requires nurse in building OR requires injections OR medications given as needed and must be monitored for need
13 Personal Care Needs	Not a concern	Personal care needs are currently well-managed	Personal care needs requires occasional monitoring and/or assistance	Personal care needs requires frequent monitoring and/or assistance	Personal care needs requires intensive monitoring and/or assistance
14 Safety of self or others	No threat or harm to self or others	Requires rare supervision to ensure no harm to self or others	Requires frequent supervision and behavioural intervention to ensure no harm to self or others	Requires intensive supervision and behavioural intervention to ensure no harm to self or others	Harms self or others despite intensive supervision
15 Assistive technology	Minimal; not a concern	Uses special materials/equipment 25% of the time or less; does not require training of school staff or family	Uses special materials/equipment 26-50% of time; training for school staff and/or family takes less than 2 hours	Uses special materials/equipment 51-75% of time; maintenance of equipment must be done; training for school staff and/or family takes less than 2-4 hours	Uses special materials/equipment 75% of time or more; equipment maintenance is critical; school staff and/or family cannot work with material/equipment without 4 or more hours of training
16 Additional Supports (PT, OT, Speech, Vision, Hearing, Educational Assistant)	No services are required	Only external agency support is required and accessed. This could include Social Services, Autism Services, medical services, etc.)	Intermittent external agency support required and accessed in school	External agency support required, but only consult support provided in school; no direct services are provided	Consult and direct services are required but unable to access