

This document will be updated periodically as other questions are raised regarding Alberta's *Personal Information Protection Act*.

This document is not a substitute for legal advice.

1. Is a school council an organization under PIPA?

Yes. A school council, as established under section 22 of the *School Act*, is an unincorporated association and, as such, is an "organization" under PIPA (section 1(1)(i)(ii)). Therefore school councils are subject to the provisions of PIPA. School councils are not subject to the *Freedom of Information and Protection of Privacy Act* (the FOIP Act), as they are not "public bodies" as defined in the FOIP Act (see IPC Orders F2006-003 and P2006-003).

2. Is a school council considered to be a non-profit organization under PIPA?

No. School councils as established under section 22 of the *School Act* do not meet the definition of a non-profit organization under PIPA. As a result, school councils are expected to comply with all the provisions in PIPA.

3. What are a school council's responsibilities under PIPA?

PIPA sets out requirements for how organizations may collect, use, and disclose personal information. The *Guide for Businesses and Organizations on the Personal Information Protection Act* is available to help organizations understand PIPA. School councils need to designate someone to be the contact person for any questions that may be received about the council's handling of personal information. Councils also need to develop a privacy policy. Please see *A Summary for Organizations* for a more complete description of an organization's key obligations under PIPA.

4. Can a school council collect parents' contact information, such as name, address and phone number?

A school council can collect personal information directly from the parent. The council would provide the parent with notice of the purpose for collecting the information (e.g. to communicate with parents about upcoming meetings, school events, etc.) and obtain consent. It is important that the notice cover all the intended uses and disclosures of the information.

5. Can a school provide parents' contact information to the school council?

Schools are required to comply with the FOIP Act. A school can provide the information in one of two ways. A school may obtain consent to disclose personal information from its

records, or it can facilitate the collection of the personal information by the council directly from parents.

In the first approach, the school provides the personal information after obtaining consent. Schools normally collect the parents' contact information as part of the student registration process. A school can ask the parent to consent to the school providing his or her contact information to the school council or the school fund-raising society. A sample form for this purpose is available in the publication entitled *Using and Disclosing Personal Information in School Jurisdictions* on the FOIP website.

Alternatively, a school council can develop a form requesting this information from the parents. The school would provide the form to parents, and the school would collect and forward the completed forms directly to the school council.

6. Can a school distribute notices and newsletters from the school council for students to take home to parents?

This is up to the school. There is no personal information exchanged in this process so privacy is not a concern.

7. If a school board receives a FOIP request for copies of school council minutes, can the school board transfer the request to the school council?

No. Under the School Councils Regulation, a copy of the minutes of each meeting must be retained at the school and made available to the school board or the public on request. Since the board has custody of the minutes, the board must process the request under the FOIP Act. Also, a board cannot transfer a FOIP request to an organization that is not subject to the FOIP Act.

8. Could an individual make a request under PIPA to the school council for the minutes?

Under PIPA, an individual can only make a request to access his or her own personal information. The Act could only be used to obtain records containing that individual's personal information. A request cannot be made under PIPA for non-personal information. However, because the School Councils Regulation requires minutes be made available to the public on request, minutes would be provided as required by the regulation, rather than under PIPA.

9. Is a school fund-raising society an organization under PIPA?

Yes. A school fund-raising society is a "corporation" and as such is an organization as defined under PIPA (section 1(1)(i)(i)). Further, societies are identified as "non-profit organizations" under PIPA (section 56 (b)). The Act applies on a limited basis to these non-profit organizations. For societies (non-profit organizations), the Act only applies to personal information that is collected, used or disclosed as part of a commercial activity. Fund-raising is not considered to be a commercial activity. For more information, please see *PIPA Information Sheet 1: Non-profit Organizations*.

10. What are a school fund-raising society's responsibilities under PIPA?

As a non-profit organization under PIPA, a society does not need to follow PIPA unless it collects, uses or discloses personal information as part of a commercial activity. Most school fund-raising societies will not have to implement PIPA.

11. Can a school fund-raising society collect parents' contact information, such as name, address and phone number?

The society can collect personal information directly from the parent or indirectly from another source. In practice, the society may want to follow the same consent process adopted by the school council. This will enable the school council to collect personal information from the society, in accordance with PIPA.

12. Can a school provide parents' contact information to the school fund-raising society?

Schools are required to comply with the FOIP Act. A school can provide the information in one of two ways. A school may obtain consent to disclose personal information from its records, or it can facilitate the collection of the personal information by the society directly from parents.

In the first approach, the school provides the personal information after obtaining consent. Schools normally collect the parents' contact information as part of the student registration process. A school can ask the parent to consent to the school providing his or her contact information to the school council or the school fund-raising society. A sample form for this purpose is available in the publication entitled *Using and Disclosing Personal Information in School Jurisdictions*.

Alternatively, a society can develop a form requesting this information from the parents. The school would provide the form to parents, and the school would collect and forward the completed forms directly to the society.

13. Can a school distribute notices and newsletters from the school fund-raising society for students to take home to parents?

This is up to the school. There is no personal information exchanged in this process so privacy is not a concern.

14. Could an individual make a request under PIPA to the school fund-raising society for minutes of its meetings?

No. PIPA would not apply to personal information in the society's minutes. The minutes may be available under procedures set out in the *Societies Act*.

15. Where can I obtain more information?

Additional information and resources about PIPA are available on the websites of Access and Privacy, Service Alberta, and the Office of the Information and Privacy Commissioner.

Access and Privacy Service Alberta

Phone: 780-644-PIPA (7472) Toll free dial 310-0000
E-mail: pspinfo@gov.ab.ca
Website: pipa.alberta.ca

Office of the Information and Privacy Commissioner

Phone: 403-297-2728 Toll free dial 1-888-878-4044
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